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ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS

HEARING

BEFORE THE

SUBCOMMITTEE ON INTERGOVERNMENTAL RELATIONS

OF THE

COMMITTEE ON GOVERNMENTAL AFFAIRS UNITED STATES SENATE

NINETY-SEVENTH CONGRESS

SECOND SESSION

ON

EXPANDING THE MEMBERSHIP OF THE ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS

JUNE 24, 1982

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ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS

THURSDAY, JUNE 24, 1982

U.S. SENATE,
SUBCOMMITTEE ON INTERGOVERNMENTAL RELATIONS,
COMMITTEE ON GOVERNMENTAL AFFAIRS,
Washington, D.C.

The subcommittee met, at 2 p.m., in room 3302, Dirksen Senate Office Building, Hon. Dave Durenberger (chairman of the subcommittee) presiding.

Present: Senator Durenberger.

OPENING STATEMENT OF SENATOR DURENBERGER

Senator DURENBERGER. The hearing will come to order.

This is a legislative hearing to consider bills which would add new members to the Advisory Commission on Intergovernmental Relations. Senator Percy has introduced S. 2338 with 28 cosponsors. It would add three representatives from the National School Boards Association to ACIR.[1] Earlier today I introduced a Senate companion bill to H.R. 2016 which would add three members from the National Association of Towns and Townships (NATaT).[2]

This is not the first hearing on the membership question. Last fall this subcommittee took up the issue as part of a general oversight hearing on ACIR. Earlier this year the House Subcommittee on Intergovernmental Relations also considered this question.

There are four statements that I will include at this point in the record: the statements of Senators Roth, Sasser, and Levin, and Congressman McGrath.

[The statements referred to follow:]

STATEMENT OF SENATOR WILLIAM V. ROTH, JR.

Mr. Chairman, I want to thank you for holding this hearing on S. 2338, to add three elected school board members to the Advisory Commission on Intergovernmental Relations. Senator Percy introduced this legislation on April 1, and I am a cosponsor of the bill along with nine of our Senate colleagues.

Before I begin my statement on S. 2338, however, I want to take this opportunity to compliment you on the job that you have done in the past 18 months as the chairman of this important Subcommittee on Intergovernmental Relations. Your personal commitment to improved intergovernmental relations has kept attention on this wide range of issues and ensured a full consideration of the

[1] See p. 61.
[2] Senator Durenberger's companion bill to H.R. 2016 was introduced on June 24, 1982, and given the number S. 2679. See p. 63 for a copy of H.R. 2016.

reforms embodied in the New Federalism proposal. I look forward to continuing to work with you on these issues in the months and years ahead.

Mr. Chairman, as you well know, the ACIR was established by Congress in 1959 to bring together Federal, State and local governments for the consideration of common problems and for related purposes. In the 23 years since its creation the ACIR has established an exemplary record of research and recommendations on intergovernmental issues ranging from local property tax reform to general revenue sharing and from State government modernization to the Federal role in the Federal system.

I have been a member of ACIR for several years, and throughout this time have been impressed by the timeliness and the quality of the Commission's work. It truly does provide one of the best returns for the Federal research dollar and the respect with which it is held in the academic and practitioner communities is well deserved.

It is precisely because of the effectiveness and the impact of the Commission that the school membership issue becomes so important. ACIR frequently considers issues that directly affect school boards and the public school system. Tax policy recommendations, grant reform initiatives and most directly the Federal role recommendations which are incorporated substantially in the New Federalism proposal all impact on school boards and their ability to administer a quality system of public education.

Yet school boards have no official seat at the ACIR table to participate in the research process and the development of recommendations. Even informal consultation between school board officials and the ACIR has been infrequent and strictly ad hoc in nature over the years. Given the importance of public education and the intergovernmental relationships involved, this clearly is inadequate.

Some will argue, Mr. Chairman, that school boards are not truly general purpose elected governments and therefore, do not deserve to attain membership to the ACIR. Several facts are pertinent here. First, local school boards are a nearly universal entity, existing in 49 of the 50 States. Only Hawaii has a State school system.

Second, 94 percent of the school boards in this country are elected and 90 percent of all districts are fiscally independent.

Third, school districts today deal not strictly with educational concerns but with sizable food processing and transportation services as well. While these activities do occur strictly within the ambit of educational programs they are of significant proportion. For example, school districts run food service systems involving $10 to $12 billion annually in the agricultural and food processing sectors of our economy. The transit fleet attached to school districts is valued at $3.3 billion.

Fourth, the actual educational role of school districts and their respective boards has changed since the ACIR was created in 1959. School districts today frequently deliver a much broader array of community services including preschool child care, and care for the elderly, health services and recreational services.

For these reasons, Mr. Chairman, the current membership structure of the ACIR is inadequate and I recommend that there be elected school board representation on the body.

S. 2338 enjoys bipartisan support in the Senate and in the House of Representatives where the bill has well over 100 cosponsors. Clearly the time for the addition of elected school board members has come. I recommend that the subcommittee act quickly to approve S. 2338 and to move it to the full committee.

STATEMENT OF SENATOR JIM SASSER

Mr. Chairman, I commend you for holding this hearing on S. 2338, the bill to expand the membership of the Advisory Commission on Intergovernmental Relations to include school board members. It is time that this expansion of ACIR to seat school board officials is accomplished.

As a member, now serving my second term, of the Advisory Commission on Intergovernmental Relations, I strongly support representation of the school boards on ACIR. That is why I am an original cosponsor of S. 2338.

Many of the issues studied by the Commission—such as block grants, intergovernmental regulation, and State and local taxation—have a great impact on the ability of school districts to deliver services to their communities effectively.

This summer, the Congress begins its consideration of the "New Federalism" agenda of the President. This proposal could determine the shape of the intergovernmental system for decades to come. The chief objective advisor to the Congress on the President's federalism plan is the ACIR. School district governments should have a voice in Commission decisionmaking on "New Federalism" and other intergovernmental issues.

The Tennessee School Boards Association has been especially helpful in advising me on issues before the Congress affecting school board administration. I am especially pleased to welcome before the committee Dr. Merlin Cohen, the president of TSBA, to speak on S. 2338.

Thank you.

Statement of Senator Carl Levin

Mr. Chairman, Michigan is one of twenty states which has the township form of government. There are, in fact, 1,245 townships in Michigan. The vast majority of these have populations under 15,000 people. They are small units of government which perform vital services. All Michigan townships have responsibility for providing general control, financial administration, property assessment, tax billing and collections for the township, school, and county entities. In addition, townships conduct voter registration, manage the elections for local, state and federal offices, provide fire protection and building code enforcement, maintain cemeteries, and provide at least half of the funding for all local roads and bridges.

When one looks at the declaration of purpose contained in Section Two of the statute establishing the Advisory Commission on Intergovernmental Relations, one realizes that the township governments have an important role in each and every stated purpose of the ACIR.

The Declaration of Purpose states:

"It is intended that the Commission, in performance of its duties, will—

"(1) bring together representatives of the Federal, State, and local governments for the consideration of common problems;

"(2) provide a forum for discussing the administration and coordination of Federal grant and other programs requiring intergovernmental cooperation;

"(3) give critical attention to the conditions and controls involved in the administration of Federal grant programs;

"(4) make available technical assistance to the executive and legislative branches of the Federal Government in the review of proposed legislation to determine its overall effect on the Federal system;

"(5) encourage discussion and study at an early stage of emerging public problems that are likely to require intergovernmental cooperation;

"(6) recommend, within the framework of the Constitution, the most desirable allocations of governmental functions, responsibilities, and revenues among the several levels of government; and

"(7) recommend methods of coordinating and simplifying tax laws and administrative practices to achieve a more orderly and less competitive fiscal relationship between the levels of government and to reduce the burden of compliance for taxpayers."

Township government is vitally important to the persons who live under its authority—some 60 million people nationwide—and the extent to which the township can effectively interact with the state and federal governments, determines the extent to which the township can be effective in providing needed services to its constituents. I think townships have an important role to play in assessing intergovernmental problems and in identifying solutions. The ACIR—without township government—is not truly representative of all the relevant intergovernmental interests. There remains a gap. I urge the Subcommittee, therefore, to amend the ACIR act to include mandatory representation for township government.

Thank you for the opportunity to submit my views on this subject.

Statement of Representative Raymond J. McGrath

Mr. Chairman, I want to commend the Subcommittee for this hearing on the bill introduced by Senator Charles Percy to provide for the representation of

elected school board officials on the Advisory Commission on Intergovernmental Relations (ACIR).

Last December 11 I introduced identical legislation, H.R. 5192, in the House of Representatives. To date, H.R. 5192 has the cosponsorship of 217 members of the House, or more than half of the membership of that body.

Over the past 22 years, the Advisory Commission on Intergovernmental Relations has been the single most influential body studying the administration of Federal grant and other programs, addressing the emerging public problems that are likely to require intergovernmental cooperation, and recommending the most desirable allocation of functions, responsibilities and revenues among the several levels of government.

The ACIR has done its job well since its creation in 1959. It has a highly competent professional staff and has produced work of the highest quality. Its recommendations have led to more than 700 separate state legislative enactments, and its views on federalism are highly respected by the current Administration.

The House Government Operations Committee report on the original ACIR legislation describes the Commission's purpose thusly:

"The underlying purpose of the Commission is to strengthen the ability of our Federal system to meet the problems of a complex society by promoting greater cooperation, understanding, and coordination of activities between separate levels of government . . .

"The membership will be drawn, for the most part, from among active and responsible officials at *all levels of government.*" (Emphasis added.)

The membership of the ACIR today is the same as it was in the beginning—3 private citizens, 3 officials of the executive branch, 4 governors, 3 state legislators, 4 mayors, 3 elected county officials, 3 U.S. Senators, and 3 members of the House of Representatives.

Thus, virtually all major levels of government are represented on the ACIR. But one major level of government, local school district government, is not now and never has been represented on the Commission.

One of the most noticeable trends to emerge in government in the past two decades has been the growth in importance and influence of local school district government.

The facts speak for themselves. School district governments collect and spend more than $100 billion annually, or about 7 percent of the gross national product. According to the 1977 Census of Government, local school districts accounted for 36 percent of all local direct general expenditures, compared to 32.3 percent for municipalities and 22.7 percent for counties. School districts account for 45 percent of the total government payroll at the local level, about 3.5 million people. These percentages have increased in the past five years.

Local school district government in this country is nearly universal, existing in 49 states. 94 percent of all local school district governments are elected and hence accountable directly to the people they represent. Nearly 90 percent of all local school districts are fiscally independent.

While the primary function of local school districts is the education of the 44 million children enrolled in our 16,000 school districts, they are also involved in a whole series of different activities. They provide services to the elderly, preschool child care, emergency services in times of catastrophe, employment training, health services and community services.

Over the past two decades, local school districts have been made accountable to a whole series of Federal enactments, including the Civil Rights Act of 1964, the Education for All Handicapped Children Act, the Rehabilitation Act, the Child Nutrition Act, the asbestos detection program, changes in social security financing laws, revenue sharing, refugee education, Medicaid and the Migrant Children Education Act, and all the regulations which go along with these acts.

A recent ACIR report made the following statement about the significance of local school district governments:

"School districts can exert significant indirect influence on budgetary decisions at the local level, because they rely heavily on the same source of revenue, the property tax, as general purpose units. Intergovernmental competition for these resources may be critical in decisions on whether a function should be assumed, expanded, contracted or dropped."

(*In Brief: State and Local Roles in the Federal System;* ACIR, November 1981.)

During the past twelve months, we have seen a change in emphasis on the part of the Federal Government. The Reagan Administration is committed to altering the relationships among governments at all levels. While opinions may vary on the specifics of this so-called "New Federalism," the simple fact is that there is a growing interest in revitalizing our federal system and locating power, authority and revenue sources in levels of government other than the Federal Government, and this debate can be expected to continue for years. These changes in the federal system already have and will indeed continue to have an impact on local school districts and their ability to provide the services our society expects them to provide.

It seems clear that local school district government is a necessary, important and equal component of the federal system. They should, at the very least, have a voice on the advisory commission which is so influential in matters affecting the complex of Federal-state-local relations.

I would like to close by quoting a statement in support of H.R. 2338, offered by the distinguished Chairman of the Committee on Governmental Affairs, Senator Roth. It provides the clearest and most convincing reason for adding school board representatives to the ACIR.

"The provision of educational opportunity to all of our people is one of the most important responsibilities of government. Education is a means of improving the quality of life of our citizens today and it is an insurance policy for a healthy society in the future.

"Of all the levels of government in our federal system, it is local jurisdictions, and elected school boards particularly, that bear the greatest burden of these educational responsibilities. Yet these governments frequently are not adequately represented in policy discussions that significantly affect their role as public educators."

Mr. Chairman and members of the Subcommittee, S. 2338 will correct this defect. It will truly recognize local school district governments for what they are—the official representative of the local delivery and administration of all school district government services. It would sanction school district governments as coequal partners in the American federal system, a recognition which is many years overdue.

Thank you.

Senator DURENBERGER. We will begin the witness list with our colleague on this committee and our friend, Hon. Charles Percy, the senior Senator from Illinois.

Senator Percy can speak with some authority on the question of ACIR, since he was a member for several years.

TESTIMONY OF HON. CHARLES H. PERCY, U.S. SENATOR FROM THE STATE OF ILLINOIS

Senator PERCY. I thank you, Mr. Chairman. I want to commend you for this hearing on S. 2338, the bill I introduced to add three elected school board officials to the Advisory Commission on Intergovernmental Relations (ACIR). This bill now has 28 cosponsors—including our distinguished chairman, Senator Roth; and Senator Sasser, the ranking minority member of your subcommittee.

The companion bill, introduced in the House of Representatives by Congressman Raymond McGrath of New York, now has more than 200 cosponsors. Representative McGrath wanted to testify; however, he was unable to be here. I would ask unanimous consent that his testimony be included in the record.[1]

Senator DURENBERGER. It has been included.

Senator PERCY. Mr. Chairman, as you well know as a member, the ACIR was established in 1959 to bring together representatives of the

[1] See p. 3.

Federal, State, and local governments to consider common problems. Among other things, the Congress mandated that the ACIR:

One, provide a forum for discussing the administration and coordination of Federal grants and other programs which require intergovernmental cooperation;

Two, make available technical assistance to the executive and legislative branches of the Federal Government in the review of proposed legislation to determine its overall effect on the federal system;

Three, recommend the most desirable allocation of governmental functions, responsibilities, and revenues among the several levels of governments; and

Four, recommend methods of coordinating and simplifying tax laws and administrative practices to achieve a more orderly and less competitive fiscal relationship between the levels of government and to reduce the burden of compliance for taxpayers. You, as a respected member of that body now, have quite a set of tasks. The ACIR has carried out these duties, I think, on balance quite well. It has provided a vital forum for government at all levels and, as a result, is a highly respected group.

During the last 23 years ACIR has completed numerous studies on the fiscal, functional, and structural aspects of federalism. Many of its recommendations have been implemented administratively, or have been enacted into law. The General Revenue Sharing Program, for example, was developed by ACIR.

Today the membership of ACIR is the same as it was when it was created in 1959. It consists of three private citizens, three Federal executive officials, four Governors, three State legislators, four mayors, three elected county officials, three U.S. Senators—I served from 1972 to 1975—and three U.S. Representatives, for a total of 26 members.

School board officials were not included in 1959. They have been turned down several times since then, when they have petitioned the ACIR for representation as a local unit of government. Each time the ACIR has recommended that its membership not be expanded to include school boards, or any other group. So, for more than 20 years, while the role of school boards across the country has grown dramatically, the composition of this important Commission has not changed to recognize it. It is such a vital function in this country. Let us look at the reasons why school board officials should have seats on ACIR. I believe there are several good ones.

First, school districts spend more money and employ more workers than any other local unit of government. In 1979–80, school districts spent almost $81 billion of the $202 billion spent by local governments. That was almost 40 percent of the total, more than either counties or municipalities—both of whom enjoy ACIR membership. In 1979, school districts collected 7 percent of the GNP—7 percent of our entire GNP—in taxes, compared to 12 percent of GNP for all State and local units of government combined.

Second, education is a preeminent government function. To quote the ACIR itself in a 1975 report about education:

> The financial dimensions of public elementary and secondary education surpass, by far, those of any function of domestic government in the United States.

The Commission fully recognized in that report that the job of educating our citizens is a shared responsibility of tremendous importance that requires a solid partnership among all levels of government. What better place to cement such a partnership than the ACIR? Of course, Mr. Chairman, I don't have to mention that in this very room the Department of Education was created. The United States was the last major country to establish a ministry level secretary or administrator for education. That is how important the rest of the world feels education is, and how important we think it is.

Third, school districts today are virtually universal. They exist in 49 States. Only Hawaii, one State, has a State system. Ninety-four percent of the school boards are elected, and 90 percent of all school districts are fiscally independent.

Last, school districts are responsible for far more than education today. School districts run food service systems which involve $10 to $12 billion annually in the food processing and agricultural sectors of our economy. School districts maintain a transit fleet valued at $3.3 billion. School districts provide services to the elderly, preschool child care, emergency services in time of national or natural disaster, employment training centers, health services, community services and recreational services.

It is the school board in each of these many districts that must decide how these activities will be implemented. In doing so they are responsible for establishing and carrying out policies that affect millions of Americans. Like mayors and county commissioners, they hire administrators to carry out their policies. And like city and county government officials, they are responsible to those who elect them.

Surely school boards, because of the functions they perform and the responsibilities they have assumed, deserve to be an equal component of local government on the ACIR.

Let me return for a moment to the duties which Congress prescribed for the ACIR which I outlined at the beginning of my statement. Keeping in mind the importance of school boards' primary role, the variety of other activities they perform and their ranking as the largest unit of local government, it is difficult to understand why they have been excluded. Should they not be included in discussing the administration and coordination of Federal grant programs which require intergovernmental cooperation? Do they have nothing to contribute in reviewing proposed legislation? What about the most desirable allocation of governmental functions and responsibilities, many of which they perform? As the largest local fundraiser, shouldn't school boards have something to contribute to the deliberations of the ACIR?

Clearly, Mr. Chairman, there is much that school board officials could contribute to the Commission. By the same token, many issues considered by the ACIR—block grants, State and local taxation, State and Federal mandating of local expenditures—not only affect school districts, but are keys to their delivery of services.

Now, more than ever, the role of the ACIR is heightened because of its review of the so-called New Federalism. The Commission is studying what responsibilities each level of government should assume and what, if any, roles should be swapped. Key questions about ending Federal involvement in a host of areas—including education, trans-

portation and nutrition—are critical to the future of school districts. It is more important than ever that school board officials have a voice on these questions and in the recommendations made by the Commission because they could very well result in a commitment of resources that only they control.

Mr. Chairman, the importance of these issues and the influence of the ACIR's recommendations make it imperative that school boards be given the voice they deserve as an equal partner in the intergovernmental system. I urge you to act favorably on S. 2338.

Finally, Mr. Chairman, I want to express my support for the goal embodied in your legislation to add town and township officials to the membership of the ACIR. Your bill addresses the important issue of ensuring a voice for the Nation's smaller communities, and its enactment along with S. 2338 will contribute greatly to the work of the ACIR.

Senator DURENBERGER. Thank you very much.

Let me ask you just a couple of questions based on your experience in part. Anybody who goes on a Commission like this represents his or her own background and understanding.

At the present time, the 26 members of ACIR are somewhat equally divided among Federal, State, and local officials. If we were to adopt your recommendations to add three school board members and three township representatives, we would have about twice as many local governmental officials on the board as we would State government officials. How do you think that would weigh in the deliberations of the Commission?

Senator PERCY. I just wish to ask a question to start with: Hasn't the membership of ACIR remained unchanged since the start?

Isn't some change in the balance warranted? Congress set up the balance in 1959, but what is to say that it is correct, then or now? Why nine Federal and seven State? Why, then, seven local members, which does not include the three private citizens? That is not a perfect balance. It was done because it seemed to be the best they could come up with then.

Certainly, we in the committee are refining all the time as we update ourselves and modernize things. Certainly, we should recognize the changes that have occurred in education. The sizes of those budgets are staggering compared to what they were when we started ACIR. We are talking about 40 percent of the local governments' expenditure total. We are talking about a large percentage of our total gross national product.

Education is growing; it is booming. Everyone is getting it now. Those are changes, I think, that say education is here to stay. It is our future. It ought to be. It ought to be represented along with local government.

Senator DURENBERGER. I take it, then, your observation is that there is no magic ideal number for the Commission—26 or 32; it doesn't make that much difference.

Senator PERCY. I could have said nine State and seven Federal. Why not? There are 50 States and just 1 Federal Government. Why not?

Senator DURENBERGER. I also understood your testimony to have been that, theoretically, even with practically twice as many local

government officials as State government officials, they still aren't the majority of the Commission. So even if they were all to abandon their Federal interests and opt only for their local interests, it is your belief that they would not be dominating the Commission's work with a particular viewpoint, which is not necessarily good for the Nation; is that your understanding?

Senator PERCY. Right. I think if we just look at the size of the ACIR, it isn't that it is unwieldly or that it will get too large.

You are associated with the Alliance to Save Energy, 170 members. Their board of directors has around 40 or 50 people on it. They are the key top CEO's of major corporations, heads of labor unions, and heads of consumer groups—all are very busy people. We fight to get a quorum there, or we try to get a majority, which is 30 or 35 people. If we can get 30 or 35, we have a fine group.

We have 60 members on the University of Chicago Board. It is not unwieldy. There is just so much work, so it can be divided among all those people. You could say that the U.S. House of Representatives is too unwieldy. They have 435 Members. They've got a workload, and they are all working awfully hard over there. We have 100 Members here in the U.S. Senate. How many do we have on the floor at any one time? One hundred is not too many. Certainly this number is not a problem for the ACIR.

Senator DURENBERGER. Among the reasons that you have enunciated as being important, of course, was the importance of education—the percentage of GNP, taxes, and employees represented by education—and the fact that 94 percent of the boards are elected. Is that latter fact, the election, as significant as the fact that elementary and secondary education really need to be represented on ACIR?

Senator PERCY. I think the fact that they are elected board members is important, but it's not the only reason. They represent the people; they are respected. They carry a sense of clout and knowledge to the political system, right down to the level where people care more about the education of their children than almost anything else.

Look what an effect it has had. It's diluted the cities, boomed the suburbs. Why? Better schools. What a change it has made in the United States. Industry has moved out to the suburbs. It has loaded them with tax bases. Taxes are lower in the suburbs of Chicago than they are in the city of Chicago.

I can remember in Chicago in the midst of the depression my mother said to my father, "Dad, we've got to somehow have the courage to get out of here and get out where the schools for our children are better. No matter what sacrifice we have to make; we have got to do it." We moved 13 times in the next 17 years, getting kicked out of one place after another, but they stayed where the schools were good.

Those people who are on those school boards have a feeling for what America is and what is happening. I think they will be among the most valuable members on the ACIR; and they will be the most conscientious.

Senator DURENBERGER. I asked the question because I want guidance from your experience as a Senator and ex-member of ACIR.

If the premise is elected officials, then there are other elected officials not represented on ACIR. I don't know whether or not ACIR will

give them a line after townships and school boards. These other groups believe they should be included. If it is education, then, of course, you have to make the primacy argument—as you have—because probably the whole area of welfare is one area in which we spend even *more money in this* country than we do in education. However, we do not insist on putting welfare commissioners or income security officials on ACIR. Certainly, our public utilities and our transportation systems are key links in the intergovernmental system. We don't insist that even elected members in those areas be represented.

By asking that question, I am soliciting your advice as to where we draw the line in terms of what needs to be represented on ACIR. So far it has mainly been general purpose government and not all elected officials.

Senator PERCY. I think the line has to be drawn, of course, but I hope we will always keep our minds open to making ACIR better. There is no group that even comes close to the magnitude, size and scope, dollar impact and impact on lives and everything else as school boards.

And towns and townships have made a difference too. I moved out of a big municipality. I have lived 46 years within many places. However, within those 46 years, I have lived within, say 4 square miles. The difference was the township government. What a difference it had on the impression I had of government. I would say townships have given us stability in America; the suburbs have provided it. I think those people can help us build neighborhood concepts back in the cities.

Cities are represented. Let's let the towns and townships be represented. Let's let the schools be represented. Maybe 5 years from now there will be another group that emerges.

I hope we will always have good sense, however, that as one function slides down in importance and another emerges, we reevaluate the membership. I would say if it got up to 60 members, it would be around the level that it ought to be. I would like to see the membership and see what the average attendance has been. I hope that once we reached that level we could drop members sometimes to reflect changes and have the guts to do it.

Just like the Constitution provided 435, that's it, period. We just keep adding and redistricting and going through the trauma of it. They keep saying you should add more people. Every time you get another million population you should get another, or so many Congressmen. However, the Constitution put the finish on that.

Mr. Chairman, we have a notice from the majority leader asking Senators to come to room 415 to meet a group of visiting parliamentarians.

Senator DURENBERGER. You are the only person who will recognize all of them.

Senator PERCY. If that is your last question, I want to thank you very much, indeed. It is an honor to be a cosponsor of your bill. I would be honored to add you to my bill. Thank you.

Senator DURENBERGER. Thank you very much.

Our next three witnesses will be on a panel representing the National School Boards Association. These gentlemen are Joseph Sarthory of Missouri, Merlin Cohen of Tennessee, and Bill Wettergren of Minnesota.

We also have a statement from Gary Ashley, the executive vice president of the Georgia School Board Association, which will be made a part of the record.[1]

Mr. Sarthory, we will begin with you, unless there is some other prearranged order of which I am not aware.

Mr. SARTHORY. There is no prearranged order.

TESTIMONY OF JOSEPH A. SARTHORY, EXECUTIVE DIRECTOR, MISSOURI SCHOOL BOARDS ASSOCIATION; MERLIN COHEN, D.D.S., PRESIDENT, TENNESSEE SCHOOL BOARDS ASSOCIATION; AND W. A. WETTERGREN, EXECUTIVE SECRETARY, MINNESOTA SCHOOL BOARDS ASSOCIATION

Mr. SARTHORY. Thank you very much, Senator. My name is Joseph Sarthory. I am the executive director of the Missouri School Boards Association. I am presenting the views of 549 school boards in Missouri, all of whom are elected, and all of whom are fiscally independent.

Senator Percy has, I think, done an excellent job in terms of reviewing the history, purposes, and structure of ACIR. He has illustrated how pervasive are school boards in the fiscal and service arenas of government. He has pointed out how much school boards spend and how many people they employ. In fact, he has shown the broad range of services and programs that school boards, as local governments, provide beyond education, narrowly defined.

I would just like to share with you some data from Missouri which I think will make a case for school board representation on the ACIR. In the "Show Me" State, represented by the distinguished Senators Danforth and Eagleton, according to 1979–80 Bureau of Census data, schools employed 43 percent of the public employees in the State; 61 percent, if you exclude the State government. In the same year, schools expended 41 percent of the public payroll; once again, 61 percent, if you exclude the State government.

Senator DURENBERGER. What was 43 percent?

Mr. SARTHORY. Forty-three percent of the public employees in Missouri.

Senator DURENBERGER. In Missouri?

Mr. SARTHORY. Employed by the local boards of education, Senator; 61 percent, if you exclude the State government and narrow it to school boards, counties, and municipalities. If we look at the figures in terms of payroll, it is 41 percent; 61 percent, if you exclude the State government. In terms of general expenditures, the figures are 25 percent; 49 percent, if you exclude the State government.

In terms of insurance in force, school boards in Missouri own $3.316 billion worth of public physical facilities, which is insured for more than $350 million in contents. School boards in Missouri own about 8,300 type 1 school buses valued, in replacement terms, at more than $165 million.

The Missouri General Assembly does consider school boards as local government units in that State. Most statutes passed in Missouri include the wording, "apply to cities, counties, municipalities and

[1] See p. 36.

other political subdivisions, including school districts." Statutes in the areas of governmental immunity, elections, campaign finance reporting, public employment relations, bonding and taxing, unemployment and workers' compensation apply to all levels of government in Missouri, including school boards.

Missouri is undergoing property reassessment right now as a function of a State supreme court decision a few years ago. Legislation designed to implement the property reassessment provides that 75 percent of the cost of reassessment will be borne by the State. The other 25 percent will be borne by the taxing jurisdictions in the counties, including the school boards.

Let me give you some illustrations of good and bad intergovernmental relations. In the little town of Union—about 45 miles southwest of St. Louis, and which has about 5,600 people—the school district and the community use the pool and other recreational facilities cooperatively. Their special education program is conducted cooperatively by the schools and the Mental Health Association.

Two years ago, in Harrisonville—a little town of about 6,000 people, and 38 miles south of Kansas City—the city councilmen and the school board never talked to each other. The city council couldn't get airport expansion. The school board couldn't get operating levies passed. Now they meet regularly. They establish priorities upon which they agree for the limited resources. Both governments endorse the priorities which have been established out of that communication and coordination. This city is developing on a cooperative basis between the school board and the city council.

In Blue Springs—a community of about 26,000, and 20 miles east of Kansas City—there have been quarterly meetings of the board of education and the city council for about 5 years. Interesting things have happened out of those meetings. All parks are built on school sites. The civic center is on the high school site, used jointly by the community and the schools. A covered swimming pool, built by the community and covered by the schools, is also on the high school site. The schools have a computer terminal, and they plug into the city computer. Finally—my time is up. I will summarize. I am sorry.

Let me just make a suggestion in the name of implementing the New Federalism—which is working out new relationships among the various levels of government—which has to do with our capability to have an effective and beneficial economy, to utilize technology, and to have a well-prepared military. Schools are crucial in that dialog.

Finally, I think we are entering an era of scarcity in terms of investment capital and physical resources. This means that the governments need to cooperate and coordinate. I suggest that the use of the ACIR at the national level, and similar bodies at the State level, including school boards, is the way to get necessary and cost-effective cooperation among all levels of government.

Thank you, sir.

Senator DURENBERGER. Thank you very much.

Let me just indicate that we are operating on a 5-minute time limit.

Mr. SARTHORY. I'm sorry, sir.

Senator DURENBERGER. Don't worry. I should have made this announcement earlier on.

Your full statements will be made a part of the record.

Mr. SARTHORY. Thank you.

Senator DURENBERGER. Dr. Cohen?

Dr. COHEN. Mr. Chairman, I am Merlin Cohen. I am a dentist. I say this to distinguish for the subcommittee that I am not an educator. I am not a paid employee of any school system or of education in any way. In Union City, Tenn., I am the chairman of the school board. I am also president of the Tennessee School Boards Association.

It is strictly an honor for me to be before you to present testimony on behalf of the National School Boards Association concerning the seating of three representatives of our association on the Advisory Commission on Intergovernmental Relations. As you mentioned, we have had the opportunity to submit written testimony. Therefore, I would like to summarize my remarks.

The growth and prosperity of the United States has frequently been attributed to its public education system. However, today this system is receiving criticism for poor performance. I feel that, in part, the government at all levels is responsible because of the secondary role they have asked us to assume. The power and status of school board members, who are usually elected to represent a segment of the population in matters of education at the local level, have gradually been eroded away by the enactment of legislation and by decisions of our courts. Recognition by appointing school board members to the ACIR would be a giant step in correcting that image. The scope and the purpose of the ACIR fill some of the needs necessary to restore the confidence of people and to promote a positive attitude toward public schools.

The seating of school board members on a commission charged with planning for the future of our Nation would also avoid misconceptions. School board members are not teachers and are not administrators. They are representatives of the people charged with the employment and oversight of teachers and administrators. They are also charged with the responsibility to manage the affairs of the local education system in the best interests of these citizens.

By recommending that school board members be included on the ACIR, you would be recognizing another form of government which has been previously ignored. The school boards are responsible for the planning and welfare of a major segment of the population.

School board members must also become a part of ACIR if the Commission is to function in an efficient and coordinated manner. Consideration of education in planning for the future of our great Nation can best be accomplished by communication on an equal basis. When not included in the initial stages of plan development, school boards are placed in a reactionary posture and are unable to promote the continued growth and development of the United States.

Much of the discussion up to this point has also centered around the classification of school boards as a special type of government. They are unique in nature, but they are also general in that they must set policy and provide services for the welfare of the populace they represent. The uniqueness of school boards as a form of government should be a reason for inclusion as members of the ACIR, rather than the basis for their exclusion.

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The introduction of the New Federalism by President Reagan, much like President Johnson's Great Society, marks the beginning of a new era in the rapidly changing status of our country. Modifications to the basic program and compromises within its parameters will be coming fast and furiously. Much of the research, planning and proposed legislation necessary to guide us into, and along, this new era will be formulated within the confines of the ACIR, or at least by many of its members and staff. For the governing bodies of our educational systems to be omitted from these ground level sessions would certainly be detrimental to a smooth transition in the future.

It is difficult to keep referring to the future in my testimony without mentioning the students. They are our future. If at any time we are able to do anything that might have a positive effect on their preparation or performance in the world which they will inherit, we are obligated to make that effort. It is our duty to open the doors for them and to provide the necessary guidance to start them along their proper pathways.

In conclusion. I ask for your endorsement to amend Public Law 86–380 to include elected school board officials on the Advisory Commission on Intergovernmental Relations.[1] I am proud that Senator Sasser, from my State of Tennessee, has chosen to be an original cosponsor of S. 2338. He is to be commended for his foresight into the management of the affairs of our government by trying to insure that the necessary coordination of efforts is at the proper time and place.

I personally thank you for the opportunity to present my views at this hearing on behalf of NSBA. Thank you, sir.

Senator DURENBERGER. Thank you very much.

Mr. Wettergren?

Mr. WETTERGREN. Senator Durenberger and members of the subcommittee, for the record I am W. A. Wettergren, executive secretary of the Minnesota School Boards Association. As the executive secretary, I am also the legislative advocate or lobbyist for the membership of the Minnesota School Boards Association. I am pleased to represent their position to the Congress, to the Minnesota Legislature, and, of course, to our constitutional officers on both a State and a national level.

The statement which you have has been prepared on behalf of the membership of MSBA. We have a strong position requesting the addition of school board members to the Advisory Commission on Intergovernmental Relations. My statement attempts to point out, in statistical terms, the importance of public education to our society and its survival. It relates to the heavy reliance that the Minnesota government officials place on the school government system, the number of school district employees, the number of dollars being appropriated to public school districts, and the number of dollars raised by the 437 school boards locally for the biennial period. This is, by far, the largest number of dollars raised for any governmental function in the State of Minnesota.

My prepared statement fails, however, to list the countless number of programs eminating on the Federal level from various agencies,

[1] Public Law 86–380 was incorporated into the United States Code—Title 42, Public Health and Welfare, Chapter 53—Advisory Commission on Intergovernmental Relations. See p. 65 for a copy of the chapter.

bureaus, and Federal commissions which affect the operation of public school districts. These programs range from special education, food, energy, affirmative action, discrimination, welfare, due process rights, construction, zoning, transportation, educational mandates, dollars, and many others. They affect the operation of the public school districts and other units of government. I make this point, Mr. Chairman, in my presentation because these programs affect all governmental units in one way or another.

In my 32 years of working with legislative units on the State and the Federal level, I am not as knowledgeable of county governments, township governments, or city governments as I should be, or as I could be. I strongly suggest that the representatives of the other forms of government are not as knowledgeable of the local school district governments as they should be, or as they could be. I say that recognizing that my esteemed colleague from Minnesota, Mr. Gustafson—who is in this room, and who is a very close friend of mine—is representing townships. He is also a strong supporter of public education.

I further suggest this lack of knowledge breeds a large amount of suspicion in our lobbying efforts between the various units of government, whether we are working in the Halls of Congress or in the halls of the State legislatures. There is a lack of knowledge on the part of the representatives of competing organizations concerning the complexities of managing the various forms of government. I am sure, and you are aware, that the problems of managing each form of government are unique to one another. I do suggest, however, that each one has a responsibility—each form of government serves people—to look to the dollars in taxes and to societal demands for congressional assistance.

The Minnesota School Boards Association believes that our communications in a more formalized setting would be of assistance not only to the more localized government operations, but also to the President and to the Members of the Congress. They must work for the various units of local government. On behalf of the membership of the Minnesota School Boards Association, I respectfully urge that this Subcommittee on Intergovernmental Relations recommend to the President and to the Congress an inclusion of three elected school board members to the Advisory Commission on Intergovernmental Relations.

Mr. Chairman and members of the subcommittee, I thank you for the opportunity to be with you today. I will attempt to respond to any questions.

Senator DURENBERGER. Thank you.

Let me direct my questions to all three of you. You may choose who will answer them, because they all deal with something that has been touched on.

Bill framed it when he, in the last part of his statement, talked about the fact that his formal printed statement failed to mention a long list of federally instituted programs, and that a whole variety of things were either directly or indirectly public education—transportation and welfare, for example.

Earlier this year, the President announced a New Federalism initiative. It included a swap of functions between the Federal Govern-

ment and the State government—in particular, the federalization of medicaid if the States would take over food stamps and AFDC. I am curious to know whether or not the National School Boards Association took a position on the swapping part of the President's proposal.

Mr. WETTERGREN. Mr. Chairman, are you asking the question as far as medicaid, or as it relates to block grants?

Senator DURENBERGER. No, as it relates to the President's proposal that there be a legislative swap of responsibilities for some of the major welfare programs, such as the federalization of medicaid and State takeover of food stamps and AFDC?

Mr. WETTERGREN. To my knowledge, and I know Mr. Steinberg is here from the national office, I do not think NSBA did take a position on that. I would go even further by saying, as far as the Minnesota School Boards Association is concerned, we appreciate the New Federalism as it relates to the block grant issue, and we responded to it very well.

Because again, we have the situation of the mandates of the Feds, to use the terminology. Then the mandates of the various State departments can be piled on top. There has been a switch from a 30 local to a 70 State, and now it is 80–20. Eighty voted within the State for the responsibility to be given to local school boards to make that determination. That has been appreciated and accepted very well.

Senator DURENBERGER. Last year, this subcommittee considered and reported legislation which was eventually passed and signed by the President requiring fiscal notes, and that was a long-standing recommendation of ACIR. What is the position of the National School Boards Association on fiscal notes?

Mr. SARTHORY. I will respond to that, Mr. Chairman. Again, I am representing the Missouri School Boards Association. I can't speak for all of the positions of the National School Boards Association. Frankly, I do not know if they have a position on fiscal notes. I would be glad to find out and provide the subcommittee with that information. As Mr. Wettergren mentioned, there are representatives of NSBA in the room who may be able to answer that question.

Mr. WETTERGREN. Senator, I can't respond to that particular question either.

Senator DURENBERGER. Do you know whether the NSBA has a position on the grant reform legislation that we reported out last year, S. 807, or any part of it?

Dr. COHEN. Having sat on the delegate assembly at the time of NSBA, I don't believe there is at this time. However, the two board representatives would be glad to submit answers to these questions to you and the subcommittee that would be specific.

Mr. WETTERGREN. Mr. Chairman, I can just respond that I have already related our position.

Senator DURENBERGER. How about OMB Circular A–95? We had hearings on that also. Do you know if the NSBA has a position on that?

Mr. WETTERGREN. I am not familiar with the term.

Senator DURENBERGER. Let me ask a definitional question. I take it that the Association has an annual convention, or a delegate assembly of some kind, which does take positions on policy issues. Is that correct?

Dr. COHEN. That is correct.

Senator DURENBERGER. When, approximately, was the last of those sessions held?

Dr. COHEN. In March of this year.

Senator DURENBERGER. Of this year?

Dr. COHEN. Yes, sir.

Senator DURENBERGER. I wonder if it is possible for you to get the information from their staff. If we could have a copy of the resolutions which were passed at that convention, they could be made a part of the record. That might be helpful.

Mr. WETTERGREN. No problem.

Mr. SARTHORY. Senator Durenberger, if it is appropriate—the staff is here—they could specifically make a statement in response to your questions if that would be appropriate.

Senator DURENBERGER. Having laid it out, if they are here and they have heard the question, they can just submit the information.

Mr. WETTERGREN. Senator, we will respond.[1]

Senator DURENBERGER. Thank you.

I see we have Congressman Conable here. I appreciate the time you have all taken in preparing for this hearing and your commitment toward public education and elementary and secondary education. It is a commitment shared by all of us who believe in the Federal form of government. Thank you.

Mr. SARTHORY. Thank you, sir.

Mr. WETTERGREN. Thank you.

[The prepared statements of Mr. Sarthory, Dr. Cohen, Mr. Wettergren, and Mr. Gary Ashley, executive vice president, Georgia School Boards Association, follow:]

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[1] See p. 76.

TESTIMONY

ON BEHALF OF THE

MISSOURI SCHOOL BOARDS ASSOCIATION

BEFORE THE

SUBCOMMITTEE ON INTERGOVERNMENTAL RELATIONS

3302 DIRKSEN SENATE OFFICE BUILDING

JUNE 24, 1982

PRESENTED BY

DR. JOSEPH A. SARTHORY

EXECUTIVE DIRECTOR, MSBA

Mr. Chairman and members of the committee, I am Joseph Sarthory, Executive Director of the Missouri School Boards Association. Thank you for the opportunity to testify and to suggest that elected school board officials should have membership on the Advisory Commission on Intergovernmental Relations.

I am sure that committee members are aware of the history, purposes, and structure of ACIR. You may know that school districts comprise the largest unit of local government in the country in terms of expenditures and employment. As reported by the U.S. Department of Commerce, Bureau of Census, school districts accounted for 39.8% of the total 1979-80 general expenditures of schools, counties, and municipalities. Schools also accounted for 47.6% of 1980 full-time equivalent employment in the same units of government. It may not be so widely known that school district food service programs directly impact 10-12 billion dollars in the food processing and agricultural sectors of our economy and that schools operate and maintain a transit fleet of more than 300 thousand vehicles valued at more than 3 billion dollars. Beyond food service and transportation, school districts offer other governmental services such as vocational training, child care, social and recreational programs, health care, and programs for the elderly. All of this is to say that school districts are a major factor in the arena of intergovernmental finance and that they in fact provide a variety of governmental services beyond education as is the nature of general purpose government.

Missouri is a microcosm of the nation and I wish to share with you some data, information, and occurrences from the Show-Me State which support the appropriateness of school board representation on ACIR. As is shown in Table I, school districts in Missouri employ 42.8% of the state's public employees and 61% when state government is excluded. The schools account for 41% of the state's public payroll and 60.7% when state employees are excluded. Finally, school districts account for 24.7% of the state's general expenditures and 48.8% excluding state government. The value of school buildings in the state as reflected by insurance in force is $3,316,720,000 on buildings and $352,983,000 on contents.

TABLE I

A Comparison of Selected School District, County, Municipality, and State Government Expenditure and Employment Factors in Missouri.

	Employees (FTE Oct. 80)	Payroll (Oct 80)	General Expenditures 1979-80
School Districts (549)	93,264(42.8)	$101,641,000(41)	$1,807,000,000(24.7)
Municipalities (921)	41,325(18.9)	$48,281,000(19.4)	$1,275,000,000(17.4)
Counties (114)	18,478(8.5)	$17,310,000(7)	$461,000,000(3.7)
State Government	65,268(29.8)	$81,100,000(32.6)	$3,966,000,000(54.2)
Totals:	218,335	$248,332,000	$7,509,000,000

The Missouri General Assembly clearly considers school districts a political subdivision similar to other levels of government.

This is made clear in a variety of statutes which apply to "cities, counties, municipalities and other political subdivisions including school districts." Statutes in the area of governmental immunity, open meetings, elections, campaign finance reporting, public employment relations, bonding and taxing, unemployment and workmen's compensation apply to all levels of government including school districts. Schools are providing part of the cost of a statewide property reassessment program underway in Missouri resulting from a state supreme court decision. Statute designed to implement that decision provides that 75% of the cost of reassessment will be borne by the state with the other 25% borne by all taxing jurisdictions including schools within the state's 114 counties. A constitutional amendment approved by the voters in November 1980 restricts government spending and taxing by all levels of government in the state and even requires that governments including schools must put to a vote of the people increases in licenses and fees. This has proven to be a problem for schools, particularly in a time of shrinking resources and downturn in the state's economy, in providing driver education and student activity programs which are supported partially through fees.

Some illustrations of intergovernmental cooperation or lack thereof in the Show-Me State do, I think, strengthen the case for school board involvement in intergovernmental planning, programs, and decisions. In Union, Missouri, a community of approximately 5,600 people forty-five miles southwest of St. Louis, the school district

utilizes the city pool and other facilities in its physical education and recreation programs. The school district's special education program is jointly conducted with the community mental health association. The extension service of the University of Missouri at Columbia has provided staff development, planning and management assistance to the school district and city government.

Harrisonville, a community of 6,000 people approximately thirty-eight miles south of Kansas City, is a model of intergovernmental cooperation. Until two years ago, there was no cooperation between the city council and board of education and thus voters had to make choices between alternative community improvement efforts such as airport expansion and school building construction. This resulted in a situation where there was not enough support across the board for city or school improvements and most issues presented to the voters were turned down. The last two years has seen a reversal of this pattern. The city council and school board instituted a cooperative planning effort around the common denominator that community development is beneficial for all and that it must be accomplished through intergovernmental cooperation. Thus the council and board of education have undertaken a joint planning and program development effort which recognizes limited resources and allocates those resources to a prioritized set of community development programs. This has resulted in the two

governments not competing against each other and has generated a broad enough base of community support to accomplish both city and school improvement efforts which are presented to the voters with endorsements by both agencies of government. A spin-off of this effort has been mutual use of recreational facilities owned by the city and the school district.

Perhaps the best example of intergovernmental cooperation in the Show-Me State is in Blue Springs, a suburban Kansas City community about twenty miles east of the city with a population of 25,600. In that community, the last few years have seen quarterly meetings of the board of education and city council which resulted in a variety of cooperative intergovernmental endeavors. The community is a growing one and thus student enrollment is also increasing. The board and city council have agreed that city parks are built on school sites so that both the community in its recreational activities and schools in their program activities have access to common recreation areas. The community civic center is on the high school site and is used by the schools during the day and by the city in the evenings, on weekends, and during the summer. A covered community swimming pool is also on the high school site which was built by community resources and covered by school resources. This facility is jointly used by both agencies of government. The school district has a terminal which provides access to the city's computer and the city funded

juvenile diversion program is housed and equipped in the school district. Finally, the city, schools, and developers have reached an agreement whereby developers put in streets which access school buildings as new housing developments are built.

Columbia, a city of approximately 65,000 persons in central Missouri and the home of the University of Missouri, is illustrative, at least in this one incidence, of lack of cooperation and coordination between different units of government. Two firms wish to build a private psychiatric hospital in Columbia and both, in their applications to the Missouri Department of Mental Health a Health Planning and Development Agency, propose to provide psychiatric care to adolescents as well as children. These services to youth, as described an an article in the June 15 Columbia Missourian, require "extra support services such as special education teachers hired by the hospital." The Columbia school system does, of course, have a comprehensive special education program but has not been contacted either by the firms proposing to build the psychiatric hospital or by the state agencies which are reviewing their applications. Thus the feasibility of some articulation with the school district in the provision of youth psychiatric services has gone unexplored due to lack of intergovernmental communication and coordination.

Mr. Chairman, committee members, I have suggested to you that school districts are in fact general purpose governments that

should be represented on the Advisory Commission on Intergovernmental Relations. They are clearly the largest unit of local government in terms of expenditures and employment. Further, they provide a variety of programs and services to the community at large beyond education narrowly defined which were specified earlier in my remarks. My descriptions of intergovernmental activities in Missouri hopefully make clear to you both potential benefits to be derived from intergovernmental communication and cooperation as well as the negative results which can accrue from this lack.

But beyond this prima facie evidence, there are at least two other reasons why school boards should hold membership on the ACIR. One, of course, is the New Federalism which in essence is a working out of new relationships among the various levels of government in the delivery of governmental services. Because school districts are the largest unit of government and because an educated citizenry is crucial to the nation's technological development and military well being, it is crucial that policy makers in the education community be involved in this dialogue.

Finally, it appears that this nation is entering an era of scarcity both in terms of investment capital and physical resources. Scarcity requires more rational utilization of available resources in ways that are both cost beneficial and

cost effective. As applied to levels of government and the services they provide, scarcity suggests the need for as little duplication and overlap as possible. It is easy to envision, for instance, education, job training, health, recreational and social services dispensed to community members from an "intergovernmentally articulated site" as opposed to from scattered duplicative sites as is now commonly the case. I believe that all governmental agencies must be involved in integrative planning around the various governmental services to ensure that this desirable delivery system comes about and that ACIR at the federal level and similar agencies at the state level are the mechanism by which to proceed.

Thank you for the opportunity to share my thoughts. I do hope the subcommittee will see fit to vote out S2338 with a do pass recommendation.

Sources

1. U.S. Department of Commerce, Bureau of Census. Government Finances in 1979-80.

2. U.S. Department of Commerce, Bureau of Census. Public Employment in 1980.

TESTIMONY

on behalf of the

NATIONAL SCHOOL BOARDS ASSOCIATION

before the

SUBCOMMITTEE ON INTERGOVERNMENTAL RELATIONS

3302 Dirkson Senate Office Building

24 June 1982

presented by
Merlin L. Cohen
President
Tennessee School Boards Association

The inclusion of school board members on the Advisory Commission on Intergovernmental Relations (ACIR) is by no means a new issue. In fact, almost from the time of its inception, there has been discussion concerning the seating of school board members on the ACIR and the relationship of school boards to the other units of government that are represented. You have seen many times, as have others before you, facts and figures that can aid you in making a sound decision in the best interest of fulfilling the objectives of the Commission. However, in the final analysis, a conceptual and philosophical judgment will determine whether or not local school board members are to be seated on this most influential and effective organization.

The single, most isolated reason for the prosperity and growth of the United States has always been the education of its citizens including the mechanism by which they received that education. For the past several years, unfortunately and for whatever reasons, criticism of this unique system has increased to a point that it could endanger the very foundation on which our great country was built. The response to the concerns we are hearing must not only be decisive but must also be well coordinated to mesh with the future directions of society and substantiated by reliable and credible sources. It would seem that the scope and purpose of the ACIR fulfills the needs necessary to restore the confidence of the population and to promote the sense of security

that is so sadly lacking at this time. In the performance of its tasks of studying, recommending, drafting, and promoting legislation for government agencies at all levels, it is essential that the ACIR incorporate the future directions of education into the process and not let the education of our citizens become a by-product.

If education is to continue, or to regain, its previous status in the continued development and progress of our nation, it must be allowed to communicate on an equal basis with other agencies responsible for broad spectrum planning. The ACIR will afford that opportunity. The present commissioners bring with them an overview of all phases of government, at least through direct working relationships with subordinate specialized staff, except in the area of education. To provide the educational opportunities that will continue to keep Americans in tune with the rapidly changing world, elected public school board officials need to be considered for inclusion as members of an advisory commission that potentially can have so much influence on the future directions of our country.

For the purpose of testimony before this subcommittee and with the intent of becoming members of the ACIR, school boards find themselves in a unique situation. However, this uniqueness is the very reason they should be represented rather than the basis for their exclusion. Until the time of separation of church and state, government influence on schools was non-existent. Since that time, there has been an ever increasing

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erosion of the jurisdiction of local education agencies. Combining this with the ever decreasing confidence of the people and the reactionary solutions to criticisms by sometimes uninformed government officials at all levels, schools dedicated to producing knowledgeable and productive citizens are in jeopardy. Government agencies must have a reliable and established source of information readily available to thoroughly comprehend the far reaching effects of legislation. In all too many cases, solutions to problems hastily conceived and based on an incomplete understanding of the total situation have created multiple problems of often a greater magnitude than the original.

Representation on the ACIR has also been denied because school boards do not qualify as a general form of government. Philosphically this is questionable. As duly elected officials, school boards must set policy and provide services as required by the populace they represent. Although these services may differ in some respects from those provided by other forms of general government--municipal, county, state, and federal, they are essential to the inhabitants of the governed locale. On the other hand, school boards do not necessarily qualify as a special form of government agency because of the varied and general interests they must serve. They are not representative of any vested interest group and are concerned primarily with the well being of their constituency.

The introduction of "New Federalism" by President Reagan

will stand as a landmark in the rapidly changing status of the United States. Modification to the basic program and compromise within its parameters will be coming fast and furiously. Much of the research, planning, and proposed legislation necessary to guide our nation into, and along, this new era will be formulated within the confines of the ACIR or at least by many of its members and staff. For the governing bodies of our educational systems to be omitted from these ground level sessions is almost unthinkable.

Just as government is changing to meet the needs of the future so is public education. To help keep abreast of the educational scene now requires a commitment of local school officials to the welfare of their constitutents and to the other levels of government. They must be considered as a source of information and as a sounding board for any plans or ideas concerned with the governance of the future direction of our nation. As members of the ACIR, this significant source of information would be readily and continuously available, assuring coordination of efforts and effects from the beginning, rather than as an afterthought.

In conclusion, I ask for your endorsement to amend P.L. 86-380 to include elected school board officials on The Advisory Commission on Intergovernmental Relations. I am proud that Senator Sasser, from my state of Tennessee, has chosen to be an original co-sponsor of Senate Bill S.2338. He is to be commended for his foresight into the management of the affairs of our government by trying to ensure that the necessary coordination of effort occurs at the proper time and place. Thank you for the opportunity to present my views.

MINNESOTA SCHOOL BOARDS ASSOCIATION
P. O. BOX 119
ST. PETER, MINNESOTA 56082

June 24, 1982

TO: The Honorable David Durenberger, Chairman
United States Subcommittee on Intergovernmental Relations, and
Honorable Members of the Senate Subcommittee on Intergovernmental Relations

BY: W. A. Wettergren, Executive Secretary
Minnesota School Boards Association

Senator Durenberger, and Members of the Committee:

For the record, I am W. A. Wettergren, Executive Secretary of the Minnesota School Boards Association, and I am serving my thirty-second year in this position. The Minnesota School Boards Association membership includes all public school district school boards, and has maintained that complete membership for the past twenty-five years. Membership by public school boards in the Minnesota School Boards Association is voluntary, and the Association is organized under the Non-Profit Corporate Acts of the State of Minnesota.

There are 2,840 school board members in Minnesota serving the 437 public school districts, and all are locally elected for three-year terms to the local school board and can stand for re-election. The 437 superintendents of schools are ex officio members of the local school board as mandated by Minnesota Statute. Minnesota Statutes repeat that the care, management, and control of the local school district is the obligation of the locally-elected school board.

Minnesota public school districts enrolled 771,678 pupils during the school year of 1979-80. Figures for the 1980-81 school year will be available in about two weeks, and will show a slight decline. During the 1980-81 school year, the 437 public school boards employed a full time professional staff of 50,628, and approximately 45,000 non-licensed employees.

Minnesota public school districts receive 30.3 percent of the general revenue funds appropriated by the Minnesota Legislature -- the largest appropriation made by the legislature for any legislative function. This appropriation for the biennial period was in the amount of $2,353,280,600. There were minor additional revenues received from state sources making the total state appropriation to the 437 public school districts in the amount of $2,436,560,800. The 437 public school districts receive from local tax levies $1,215,269,400, which makes the total revenue to the 437 public school districts for the biennium $3,651,830,200. These revenues do not include school district revenues for capital expenditures, debt service, area vocational-technical institute aids, or adult program aids.

Senator Durenberger, and Members of the Committee, public education in Minnesota and this nation is big business, and the most important business our society has ever sponsored. Let me cite an example to further accentuate the importance of public education in Minnesota to the governmental and legislative process. During the 1981-82 Minnesota legislative sessions, there were 4,533 bills introduced into the legislative process. 829 of these bills related directly to the operation, management, instructional processes, and employee relations in public school districts. I might add at this point there were numerous other bills indirectly relating to the operation of public school districts such as in the area of judiciary, welfare, finance, energy, and other areas relating to the care, management, and control of public school districts.

Due to the failure of the legislative process, Minnesota does not have a Commission on Intergovernmental Relations. This failure is stark when one considers the lack of formal communication between units of government in Minnesota. The result being that the Minnesota School Boards Association,

the League of Counties, and the League of Cities have found it necessary to meet on an informal, quickly-called basis, to discuss issues that should have been discussed in a more formal atmosphere. Public elementary and secondary education takes the largest legislative appropriation, and public school boards and public school districts are part of formalized units of government in Minnesota. This lack of communication between units of government through a formalized process leaves the overall planning of services for people in a somewhat unstable condition.

I note that questions have been raised in the past as to the universal nature of services by a public school district. I would suggest to the members of the committee that the breadth of societal services by public school districts is many-fold. Along with our attempts to provide the best in educational services, the Minnesota Legislature and the Congress has used the vehicle of the public school district to service areas of Welfare, Parent-Pupil Pre-School Screening, including medical examinations, School Lunch programs, Adult Training programs, Farm Management programs, Driver Training programs, Chemical and Child Abuse programs, and a host of other programs demanded by society. The public school district is used as a vehicle because it is organized and it is there. It is also fair to state at this point that, in Minnesota at least, a large number of public school boards are cooperating in joint programs with the city councils to sponsor Community Education programs and Joint Recreation programs. Public school boards and public school districts and public school teachers are also subservient to judicial mandates, and provide a societal service by having to accept a delinquent or troublesome pupil, and many times to the deterrent of educational processes to the other pupils enrolled in our public schools. I would argue the contention that a public school district is not universal in its provision of services to society.

The Federal Advisory Commission on Intergovernmental Relations makes frequent recommendations to the President of the United States, and to the National Congress, for the improvement of governmental services on the national, state and local levels. I suggest that the Commission has a glaring weakness by its lack of publicly elected school board members on the Commission membership. Public education is the most important service that we can provide to the young people in this nation, and to the future of our nation's economy and its social welfare. The Minnesota School Boards Association urges the Senate Subcommittee on Intergovernmental Relations to recommend to the United States Senate, to the Congress, and to our President, that legislation be enacted to include three locally elected school board members on the Federal Advisory Commission on Intergovernmental Relations.

Senator Durenberger, and Members of the Committee, on behalf of the Minnesota School Boards Association, I wish to thank you for the opportunity of visiting with you and the Committee today, and I will stand for questions.

Statement

on behalf of the

Georgia School Boards Association

before the

Subcommittee on Intergovernmental Relations

June 24, 1982

Presented by:

Gary Ashley

Executive Vice President

Georgia School Boards Association

This statement is intended to support the National School Boards Association Position on the ACIR.

My name is Gary Ashley, and I am Executive Vice President of the Georgia School Boards Association. Thank you for this opportunity to make a statement before the Subcommittee on Intergovernmental Relations regarding S.2338.

The Georgia School Boards Association is the only statewide organization representing the 1,120 local school board members serving on the 187 local school boards in our great state. The important point is that these local public officials, in turn, are responsible for educating as well as providing other services to over 1.1 million students.

The Constitution of the State of Georgia places the responsibility for public schools on the state, which in turn delegates the function of public education to local boards of education. Local school systems were established to carry out the state's responsibility for public education. State law vests complete control and management of the schools within its jurisdiction in the board of education.

Georgia school boards are political subdivisions of the state, and in this sense an individual board member is responsible to the state. However, the board member is directly responsible to the people of the school system. It is very clear that a local school board member is a public official, i.e., with the same responsibilities and demands as members of other governmental bodies.

By any definition, local school systems are major units of government. School boards in Georgia generally operate the biggest business in their geographical area. The numbers clearly indicate that local school boards employ more people, have the largest payroll and expend the greatest amount of funds for services than any other organization in their county and/or city.

To emphasize the impact of education in Georgia, please refer to the attached sheet entitled "Did You Know...?" It is important that 18-20% of the state's population is involved in the public school program.

During 1979-1980, local, state and federal receipts for public education were as follows:

Local Receipts	$ 532,137,227	31%
State Receipts	977,552,549	56
Federal Receipts	234,353,284	13
Total	$1,744,043,061	100%

The expenditure per pupil for 1979-80 was $1,695 and increased to $1,900 during 1980-81. The aforementioned clearly gives overwhelming evidence that school board members are major public

officials in financing a governmental service for its people. The attached graphics showing the percentage of state funds for education (1971-1982) and the state education budget in millions of dollars for the same period based on inflated and 1971 dollars depicts the impact of public education on the entire state, its economy and the importance of school board members rendering responsible policy decisions.

The significance of local school board representation on ACIR is as follows:

1. Local school boards must be recognized as public officials who represent the people in the delivery of educational services.
2. It would give local school boards a rightful voice with other units of government.
3. So long as ACIR manages and coordinates information, local school boards need to be officially represented on the Council.

In conclusion, I join the National School Boards Association in requesting that this committee take the lead in amending P.L.86-380 to include school board members on the ACIR.

The importance of the points I have raised and the influence of the ACIR's recommendations make it imperative that local school boards be given an equal voice in the intergovernmental system.

Thank you for the opportunity to present GSBA's views.

Did You Know . . . ?

- According to the 1980 U.S. Census, Georgia's population has grown to 5,464,000.
- According to the census, there are almost 1.5 million people of school age (5 years old through 19 years old).
- Gross enrollment in Georgia public schools was over 1.1 million students in school year 1980-81.
- The number of Georgians receiving services from the public library system across the state was approximately 1.3 million in 1980-81.
- Fourth graders in the public schools scored at the national average in the spring 1981 testing program for the first time since Georgia began testing.
- The number of dropouts has declined in the last several years.
- The number of Georgia high school graduates entering colleges in 1980-81 was 24,400.
- More than 19,000 adult Georgians who had earlier left high school without graduating earned GED certificates through the adult education program in 1980-81.
- Teachers and principals in public schools across the state totaled 57,941 in school year 1980-81.
- The estimated average teacher salary in Georgia was $16,413 in school year 1980-81.
- The beginning teacher salary as of September 1981 is $11,815.
- The average cost of elementary and secondary education in Georgia was $1,493 per student in average daily attendance during school year 1979-80.
- Georgia students ate approximately 177 million meals at school during school year 1980-81.
- During 1980-81, nearly 778,000 students were transported more than 68 million miles safely on Georgia school buses.
- In 1979-80 Georgians spent 4.20 percent of their personal income on elementary and secondary education; that was 36th in the nation and sixth in the Southeast.

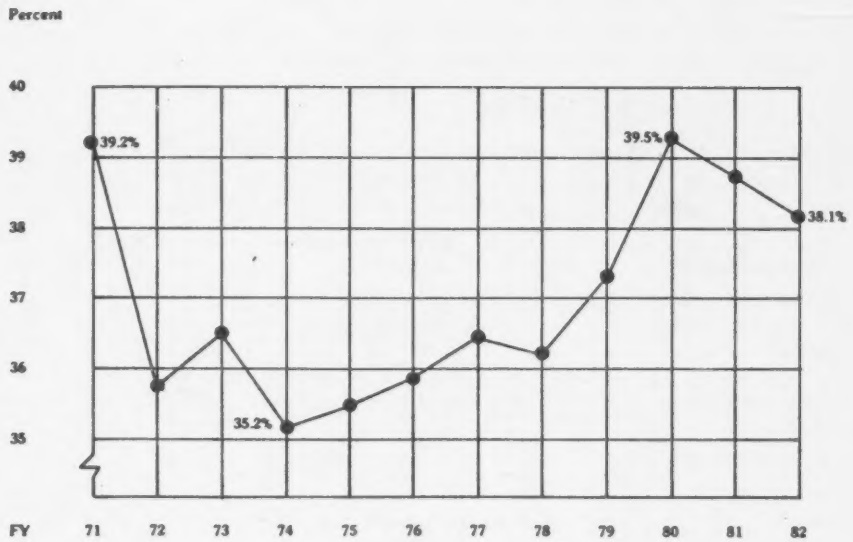
Georgia Population — 1980
0-19 Years by Race

	All Races	White	Black	Other Races
Total Population	5,464,265	3,948,007	1,465,457	50,801
Under 5 Years Old	414,983	268,224	141,678	5,081
5 to 9 Years Old	446,979	297,160	145,153	4,661
10 to 14 Years Old	469,718	315,206	150,927	3,585
15 to 19 Years Old	530,690	357,573	167,953	5,164
Total (0 to 19 Years Old)	1,862,370	1,238,163	605,711	18,491
School Age (5 to 19 years old)	1,447,387	969,939	464,003	13,410

Run Date: February 27, 1981

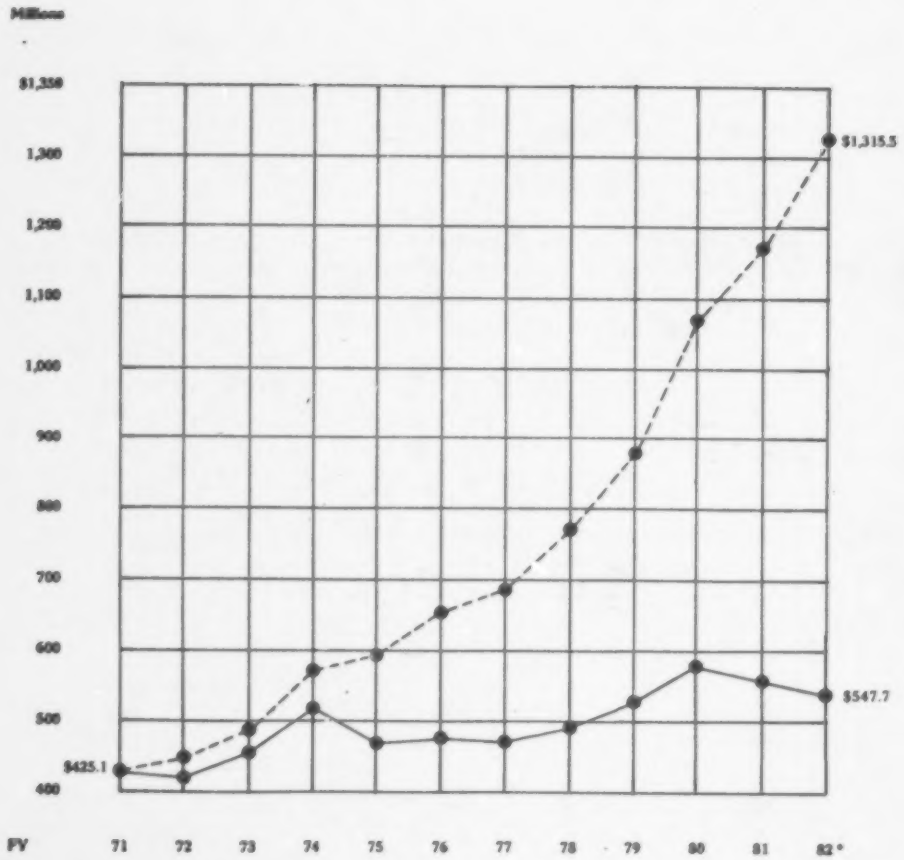
Source: Office of Planning and Budget
U.S. Census Data Tape

Percent of State Funds for Education 1971-1982



Source: Georgia Department of Education Bus. Services

State Education Budget in Inflated and 1971 Dollars



**Consumer Price Index used to calculate 1982 figures are as of September, 1981 as opposed to annual average.*

Inflated Dollars - - - - - - - -

1971 Dollars ————————

Source: Georgia Department of Education Budget Services

Senator DURENBERGER. Our next witness is Hon. Barber Conable, Congressman from the State of New York. New York, like my State and many others, has recognized the value of towns and townships in providing local government which Senator Percy pointed out in his statement.

Congressman Conable, welcome. You may proceed with your statement.

TESTIMONY OF HON. BARBER B. CONABLE, JR., A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW YORK

Representative CONABLE. Thank you, Mr. Chairman. I am grateful for the opportunity to appear here on behalf of the National Association of Towns and Townships, a group with which I am quite familiar. I consider this group to be sophisticated in matters of government. It has been strongly advocating the inclusion of townships in the ACIR so that they will be officially represented in today's deliberations. If these deliberations are to be truly across the board, we must include this vital element of government.

I should say, Mr. Chairman, on the way up here, I ran into Senator Percy who recalled that, while he had offered in testimony the statement of Representative McGrath of New York, he had failed to leave the statement here. So he asked me to cart it up with me. There it is.

Senator DURENBERGER. A good House Member carrying water for the Senate. We appreciate that.

Representative CONABLE. I am delighted to do that. I know that the Senate needs a lot of water.

We have a highly sophisticated and effective form of town government in New York that covers a tremendous range of governmental services and sizes of governmental units. For instance, Senator D'Amato was formerly the supervisor of a township of roughly 800,000 people. I have in my constituency townships as small as 1,000 people. Obviously there is a tremendous range of services provided at that level.

In the past I had been heavily involved in the issue of General Revenue Sharing. I recall the tremendous difficulty we had in phrasing that important legislation to take care of the diversity of townships and other levels of government in the various States. Some States, for instance, rely more heavily on town governments to provide basic services. Other States virtually bypass the town government level.

Where the townships exists, however, they are manageable units which, in any process of reasonable decentralization will inevitably improve governmental functions. In most cases, the townships provide a level of government which is accessible beyond all others to the residents. If our democracy is to be viable, accessibility must be one of the prime requisites of government.

I believe there are other elements that should be represented in the ACIR: for instance, school boards. However, it seems to me that there is nothing more important than having this very important, germinal Commission in the area of intergovernmental relations include what I believe to be the building block—it certainly is in my area of western New York—of a democratic government.

For that reason, I urge—I realize you have had a good deal of testimony here already, looking at the various statements that have been submitted. I don't want to be repetitive, Mr. Chairman. As a matter of fact, I have a meeting with the Secretary of the Treasury about taxes in just a few minutes. So, I don't want to prolong my testimony except to urge serious consideration of broadening the membership of the ACIR to include these important levels.

I have a statement from the executive director of the National Association of Towns and Townships. It is a good and encouraging statement. He provided it before a subcommittee of the House on April 16, 1982. I think it would be an important addition to your record. If this group has not already testified here, then I would like to offer it.[1]

Senator DURENBERGER. It will be included in the record.

Representative CONABLE. It contains information about New York's townships and their significance in the functioning of the New York State government.

Senator DURENBERGER. Thank you very much. I appreciate your testimony and your support. Our meeting doesn't begin until 3:45 so we are on the right track.

Representative CONABLE. I have great hopes that we can wind up our little business to vote here shortly, Mr. Chairman. I also hope you can use your good influences to get a fair bill to the White House.

Senator DURENBERGER. Thank you.

Representative CONABLE. Thank you very much.

Senator DURENBERGER. Our last witness today is Wallace Gustafson. Wally is a member of the National Association of Towns and Townships and is here to testify on their behalf.

Wally, we welcome you. If you total up the 5 minutes given to each of the National School Boards Association members, you might conclude that you are entitled to 15 minutes; but you are not. You are going to be limited to 5 minutes also. With that, if you have a formal statement, it will be made part of the record.

Please proceed. We appreciate your being here.

TESTIMONY OF WALLACE F. GUSTAFSON, COUNSEL, MINNESOTA ASSOCIATION OF TOWNSHIPS, ON BEHALF OF THE NATIONAL ASSOCIATION OF TOWNS AND TOWNSHIPS, ACCOMPANIED BY MRS. PAULA ALFORD, WASHINGTON STAFF, NATaT

Mr. GUSTAFSON. Thank you, Mr. Chairman.

For the record, my name is Wally Gustafson. I am an attorney in Wilmar, Minn., and I work for the Minnesota Association of Townships. I also work very closely with the National Association of Towns and Townships (NATaT) here in Washington, D.C. Joining me today is Mrs. Paula Alford of our Washington staff. We want to extend our thanks to the chairman of the subcommittee for affording us the time to articulate NATaT's position.

On a personal basis, Mr. Chairman, I want to thank you for the great help you have given, not only as a Senator, but also as an aid to Governor LeVander some years ago. You helped the 1,800 town-

[1] See p. 90.

ships in the State of Minnesota and the 9,000 township officials of our State. More importantly, in your position here as Senator, you have been a great help to both our State Association of Townships and our National Association. We thank you for your help.

I want to extend my congratulations to Bill Wettergren. I have known Bill for many, many years. He is a very articulate spokesman for the State of Minnesota, and has been a very good advocate for the schools in our State. I appreciate his kind remarks this afternoon.

Mr. Chairman, you have a copy of my written statement; thus, I will take the liberty to share with you a few ideas that are not set forth in it.

First of all, naturally, we support your bill. We think the time has come to give the townships of this country representation on ACIR.

NATaT was organized about 5 years ago. You might say we are the newest kid on the block here in Washington, D.C. NATaT represents the townships in 20 States. There are 60 million people living in the 17,000 townships of this country. We think the time has come to permit town representatives to be on this very prestigious body called the ACIR. It is interesting to note that the current administration supports adding towns and townships to the ACIR.[1] I think it is vital to note that the ACIR itself has recommended that townships be included as one of its members. We have some disagreement with the formula they espouse—the formula being set forth on page 2 of our statement—but I think those matters can be worked out in dialog.

I think for the rest of my time, Mr. Chairman, I would just like to tell you something about townships. There is a perception in some quarters, especially in States that do not have township, that townships are a limited-purpose type of government. Some people have gone so far as to say a "hobby" form of government with which, of course, we violently disagree. Let me just share with you what the towns and townships do in terms of governing people.

Minnesota is a typical township State. We have 1,800 townships governed by 9,000 elected officials. Some of their duties—not all of them—are fire protection, assessing, parks and recreation, libraries and cemetery use. We administer 6,000 miles of township roads and bridges; and we install, operate, manage, and maintain sewer and water systems. Right now we are deeply involved—in Minnesota, Michigan, and other States—in the environmental protection area.

Another big field in which we are presently involved is zoning and planning. I think we have always recognized the need for additional zoning and planning. The people in this country seem to be moving from the cities into the communities. That means they are moving to the townships. One of our big emphases is to expand the authority for township zoning and planning to accommodate the expansion.

We are involved in pest and weed control. The town halls have become community centers. We are involved in Meals on Wheels. We are helping to build satellite medical centers for doctors where communities of 300 or 400 people cannot afford to have a full-time doctor. The small cities and towns will get together. They generate funds, spiff up an older building, and make it a satellite operation for a

[1] See p. 97.

doctor. Mr. Chairman, we are involved in the whole gamut of government.

Looking at statistics, you will say that we don't spend very much money. As townships, our budgets are modest in terms of administration. Of course, at the township level there is a great amount of volunteer work. I am not going to steal your thunder, Mr. Chairman; but I have heard you speak more than once at various meetings in Minnesota about the wisdom and genius of township governments—where people, who are not paid very much, get together and express their concern for their fellow men.

That is township government. That is grassroots government. We are the oldest form of government in this country. We think the time has now come in 1982 to be made a part of the national scene.

Mr. Chairman, we think as council members, council officials, we are close to the people. We support your bill. We encourage your subcommittee to move it along. We are available to answer questions or provide data. We thank you for the opportunity to be here today to share these few thoughts with you. Thank you.

Senator DURENBERGER. Thank you.

Let the record reflect that when I make all those speeches, I say, "Fellow men and women." [Laughter.]

My first question relates to the ACIR position regarding township officials. In essence, ACIR says that the National Association of Counties should consult with NATaT and nominate county officials. That is one of their positions. And the mayors ought to do the same thing. It becomes pretty clear that, if ACIR were sitting in front of the subcommittee today and responding to the questions I proposed to Senator Percy about the number of members, their answer would be "26, 26, 26, 26, 26." About all they would say is, "There isn't any room on this learned body for more members."

What is your general view on the subject of numbers?

Mr. GUSTAFSON. Mr. Chairman, that number is not cemented in stone by Moses. I think we have come a long way in the last 22 years, since ACIR was first established. I don't have any hang-up with numbers, whether it is going to be 26 or 36 or reduced down to 18 or whatever.

I think the important thing, Mr. Chairman, is not necessarily the numbers. It is that the ACIR—which is a very sophisticated, prestigious research administration advising Congress—be representative of the governments of this country. I am not given to the idea that there is anything magic about numbers. All I am saying is that it should be a fair representation, whether it is two from each, three from each, six, whatever. I admit that large bodies are a little bit cumbersome. As you well know, in Minnesota it is 634, but it works. Yes, Mr. Chairman, it works.

I guess if we are going to get going on what is the magic number, I will defer to the experts.

Senator DURENBERGER. Let me ask another question which is sort of another step farther. That is the possible imbalance in favor of local government. If we were to add three members from townships and three members from the school boards, we would have approximately twice as many local government officials represented there, or representatives, as we would have State officials. Do you think that, in some way, would skew the works of ACIR in the wrong direction?

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Mr. GUSTAFSON. Mr. Chairman, one can make the argument. I suppose that it would. However, I think we have got to bear in mind that Governors, for example, represent the entire State. This means counties, townships, school districts, and all. Legislators represent the whole gamut. Certainly, Congressmen and Senators do.

I hope ACIR has a staff and people with a broad vision of things. I think the important thing, Mr. Chairman, is that every perspective townships was that nobody is there to literally, as you used word earlier, carry the water. I think we have to have an opportunity, by adding people on that Commission, to represent and speak for everyone.

Senator DURENBERGER. I have to break in here and go vote shortly. My last question is one which I addressed to the representatives of the National School Boards Association. It is important, if the national associations play a role in the appointment of the members who are on ACIR, that they have a broad view of the pressures affecting Federal, State, and local governments. I asked the witnesses from the National School Boards Association about the positions NSBA has taken on issues. Some of the issues came out of ACIR, and some are issues of intergovernmental relations—like the New Federalism swap, the OMB circular, the fiscal notes bill, the impact on Fedral grants, and so forth.

Looking at your own association, what is your feeling about the importance of NATaT having been involved in broad issues like those? What is the importance of that sort of concern for a broad spectrum of policy issues in terms of what it brings to the ACIR membership?

Mr. GUSTAFSON. That is what we are up to, Mr. Chairman. I think NATaT was the first organization on the national level to endorse the New Federalism proposal. I think I am right about that. We are very much part of the Federal scene. We have taken positions on these national issues.

Senator DURENBERGER. Could I ask you, then, to submit for the record the same thing I asked of the National School Boards Associaciation? Please submit any and all resolutions that were passed by NATaT at its most recent annual, national convention. Can you do that? Did you pass any resolutions?

Mr. GUSTAFSON. We are going to meet in September. We met last September, but our national board policy positions are made on an ongoing basis. That is what we will be submitting to you.

Senator DURENBERGER. All right. Then the resolutions that relate to the issues we have raised here and those that are relevant to ACIR's recommendations. If you would submit them for the record, I would appreciate it.[1]

I apologize to all of you for the brevity of the questioning, but we are in markup in the Senate Finance Committee and I have to get down there.

Thank you all very much for being here.

[The prepared statement of Mr. Gustafson follows:]

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[1] See p. 76.

TESTIMONY OF

WALLACE F. GUSTAFSON
FOR THE

BOARD OF DIRECTORS

OF THE
NATIONAL ASSOCIATION OF TOWNS AND TOWNSHIPS

BEFORE THE

SUBCOMMITTEE ON INTERGOVERNMENTAL RELATIONS
SENATE COMMITTEE ON GOVERNMENTAL AFFAIRS

ON

MEMBERSHIP OF THE
ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS

JUNE 24, 1982

Mr. Chairman, Members of the Subcommittee, my name is Wallace Gustafson, and I am a member of the Board of Directors of the National Association of Towns and Townships . NATaT, as you know, represents the interests of local officials from over 13,000 predominantly small communities across the country. I would like to thank the Chairman for inviting NATaT to share its views with the Subcommittee as it examines the membership of the Advisory Commission on Intergovernmental Relations.

Mr. Chairman, in our opinion, the reasons for and against expanding ACIR membership to include town ans small community representatives have been exhaustively explored. We, the members of the National Association of Towns and Townships, have advocated town representation on ACIR for a long time. In our opinion, there are more than enough reasons to include town representatives. Even the Advisory Commission on Intergovernmental Relations recently voted in favor of town representation. The original impetus for creating NATaT was to increase federal attention to small community problems. Other issues are equally important to our membership, however, and we are anxious to progress into other areas on behalf of NATaT members. Therefore, we urge you and the members of the subcommittee to augment the visibility of town and small community issues by moving to amend the ACIR enabling legislation to include town and township representation on ACIR.

OVERCOMING THE OBSTACLES

THE ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS RECENTLY VOTED IN FAVOR OF TOWNSHIP REPRESENTATION ON ACIR. IN WRITTEN TESTIMONY SUBMITTED AT AN APRIL, 1982 HEARING BEFORE THE HOUSE SUBCOMMITTEE ON INTERGOVERNMENTAL RELATIONS AND HUMAN RESOURCES, HOWEVER, THE ACIR RECOMMENDED A FORMULA UNACCEPTABLE TO NATAT FOR TOWN AND TOWNSHIP REPRESENTATION ON THE COMMISSION.

FIRST, ACIR RECOMMENDED THAT THE MEMBERSHIP NOT BE EXPANDED BEYOND THE PRESENT TWENTY SIX MEMBERS. SECOND, THE COMMISSION SUGGESTED THAT TOWNSHIP OFFICIALS BE REPRESENTED AS FOLLOWS:

(1) THE NATIONAL ASSOCIATION OF COUNTIES, IN CONSULTATION WITH NATAT, WOULD NOMINATE A TOWN OFFICIAL TO ONE OF THE THREE COUNTY POSITIONS, AND

(2) THE U.S. CONFERENCE OF MAYORS AND THE NATIONAL LEAGUE OF CITIES, IN CONSULTATION WITH NATAT, WOULD NOMINATE A TOWNSHIP OFFICIAL TO ONE OF THE FOUR MUNICIPAL SEATS.

UNFORTUNATELY, THE ACIR PRESCRIPTION FOR TOWN REPRESENTATION CONTINUES TO REFLECT THE RESERVATIONS STATED BY ACIR'S FORMER EXECUTIVE DIRECTOR WAYNE F. ANDERSON BEFORE THIS SUBCOMMITTEE IN OCTOBER, 1981. AT THAT TIME MR. ANDERSON INDICATED THAT TOWNSHIP REPRESENTATION WOULD VIOLATE THE FOLLOWING PRINCIPLES ON WHICH THE COMMISSION WAS FOUNDED:

(1) A CERTAIN BALANCE AMONG THE FEDERAL, STATE, AND LOCAL GOVERNMENT CONTINGENTS (9 FEDERAL, 7 STATE, 7 LOCAL);

(2) A BALANCE BETWEEN REPUBLICANS AND DEMOCRATS;

(3) THE REPRESENTATION OF GENERAL PURPOSE UNITS OF GOVERNMENT ONLY, AND

(4) THE REPRESENTATION OF ONLY THOSE GENERAL GOVERNMENTS THAT ARE VIRTUALLY UNIVERSAL IN OUR NATION, FOUND IN EVERY STATE.

THE NATIONAL ASSOCIATION OF TOWNS AND TOWNSHIPS BOARD OF DIRECTORS RECOGNIZES THE DIFFICULTIES ASSOCIATED WITH MAKING CHANGES, BUT FOR A COMMISSION WHICH HAS RECOMMENDED DRAMATIC AND FAR RANGING CHANGES TO OUR INTERGOVERNMENTAL SYSTEM FOR THE PAST TWENTY YEARS--BY COMPARISON--THE CHANGES NEEDED IN THE LAW TO INCLUDE TOWN REPRESENTATION ON ACIR ARE MINIMAL. PHILOSOPHICALLY, IT IS ALSO OUR OPINION THAT THE PRINCIPLES GIVEN BY THE FORMER ACIR EXECUTIVE DIRECTOR TO DEFINE COMMISSION MEMBERSHIP DO NOT EXCLUDE TOWNS AND TOWNSHIPS. I WOULD LIKE TO SUMMARIZE THE REASONS FOR OUR POSITION.

(1) <u>TOWNS AND TOWNSHIPS ARE GENERAL PURPOSE UNITS OF LOCAL GOVERNMENT*.</u> THE TOWN SYSTEM OF LOCAL GOVERNMENT SERVES 60 MILLION PEOPLE LIVING IN APPROXIMATELY 17,000

*ACCORDING TO THE U.S. BUREAU OF THE CENSUS.

COMMUNITIES. JUST AS COUNTY GOVERNMENTS VARY FROM STATE TO STATE, SO DO TOWNSHIPS. THE NATIONAL ASSOCIATION OF TOWNS AND TOWNSHIPS, AT THIS WRITING, REPRESENTS TOWNS, TOWNSHIPS, AND SMALL COMMUNITIES IN 20 STATES, BY NO MEANS AN INSIGNIFICANT PROPORTION OF THE UNITED STATES. MORE IMPORTANTLY, NATaT REPRESENTS PREDOMINANTLY RURAL AND NON-METROPOLITAN COMMUNITIES, A PERSPECTIVE WHICH HAS BEEN EXCLUDED ON A CONTINUAL BASIS IN COMMISSION REPORTS OR RECOMMENDATIONS. NATaT ALSO REPRESENTS RURAL COMMUNITIES FACED WITH DRAMATIC POPULATION INCREASES, A TREND WHICH IS ONLY BEGINNING TO SURFACE STATISTICALLY. THE FACTS ARE:

(A) ACCURATE, RELIABLE DATA ON THE NATURE OF RURAL COMMUNITIES AND SMALL TOWNS DOES NOT EXIST, AND;

(B) THE FUNCTION AND DUTIES OF SMALL TOWNS AND RURAL COMMUNITIES ARE GENERALLY VIEWED AS INSIGNIFICANT.

NOWHERE ARE THE ABOVE FACTS BETTER UNDERSCORED THAN IN THE REPORTS AND RECOMMENDATIONS OF THE ACIR. FOR EXAMPLE, IN HIS REMARKS BEFORE THE SUBCOMMITTEE, WAYNE F. ANDERSON STRESSED THAT TOWNSHIPS SHOULD NOT BE REPRESENTED ON ACIR BECAUSE THEY ACCOUNT FOR ONLY 1 PERCENT OF THE LOCAL GOVERNMENT EXPENDITURES AND 1 PERCENT OF THE LOCAL GOVERNMENT EMPLOYMENT IN THOSE STATES WHERE THEY DO EXIST. IN OUR OPINION, TO EQUATE THE EXPENDITURE OF FUNDS AND NUMBER OF PERSONNEL WITH THE LEVEL OF SIGNIFICANCE AFFORDED A UNIT OF

GOVERNMENT IS A MISGUIDED WASHINGTON PERSPECTIVE. ADDITIONALLY, SUCH PERCEPTIONS CONTINUE TO EXCLUDE THESE COMMUNITIES FROM THE INTERGOVERNMENTAL GRANT SYSTEM. WHETHER OR NOT TOWNS EXIST IN EVERY STATE IS NOT THE ISSUE. THE ISSUE IS THAT RURAL, NON-METROPOLITAN, AND SMALL COMMUNITIES DO EXIST IN EVERY STATE. TOWN REPRESENTATION ON ACIR WOULD BE A POSITIVE STEP TOWARDS GAINING GREATER RECOGNITION FOR SUCH COMMUNITIES, IN ADDITION TO A CHANGE IN FEDERAL PERSPECTIVE AND MORE ACCURATE DATA ON THE CHARACTERISTICS OF SMALL UNITS OF GOVERNMENT. IN CLOSING ON THIS ISSUE, I WOULD LIKE TO OUTLINE IN PART THE DUTIES OF TOWNSHIP OFFICIALS IN INDIANA, A STATE THAT, ACCORDING TO MR. ANDERSON IN HIS TESTIMONY, HAS ONE OF THE WEAKEST FORMS OF TOWN GOVERNMENT:

(1) PUBLIC PARKS AND RECREATION

(2) TAX ASSESSOR

(3) POOR RELIEF

(4) SUMMER RECREATION PROGRAMS

(5) PUBLIC CEMETERY MAINTENANCE

(6) ANIMAL CONTROL

(7) FIRE PROTECTION

(8) CONTRACTED LIBRARY SERVICES

(9) ENVIRONMENTAL PROTECTION, INCLUDING HAZARDOUS WASTE MANAGEMENT.

IN ADDITION, OF COURSE, TOWNSHIPS IN INDIANA RENDER THE FULL ARRAY OF GENERAL AND FINANCIAL ADMINISTRATIVE SERVICES.

IN OUR OPINION, MEMBERSHIP ON ACIR FOR TOWNS, WHICH CLEARLY ARE GENERAL PURPOSE UNITS OF LOCAL GOVERNMENTS, WOULD LEND A HELPFUL PERSPECTIVE TO THE DELIBERATIONS OF THIS PRESTIGIOUS BODY, AND WOULD GIVE GREATER VISIBILITY TO THE ISSUES NOW CONFRONTING SMALL TOWNS AND COMMUNITIES THROUGHOUT THE COUNTRY.

(2) THE NEED FOR BALANCED MEMBERSHIP ON ACIR. THE NATIONAL ASSOCIATION OF TOWNS AND TOWNSHIPS HAS SUPPORTED AND CONTINUES TO SUPPORT THE LEGISLATION INTRODUCED BY REPRESENTATIVE CLARENCE BROWN IN THE HOUSE OF REPRESENTATIVES AND BY SENATOR DURENBERGER IN THE SENATE. THEIR RESPECTIVE BILLS WOULD ADD THREE TOWN OFFICIALS TO ACIR, NOMINATED BY THE NATIONAL ASSOCIATION OF TOWNS AND TOWNSHIPS.

THE QUESTION HAS BEEN RAISED ON SEVERAL OCCASIONS, HOWEVER, THAT THE INTERGOVERNMENTAL BALANCE OF THE COMMISSION WOULD BE LOST IF THE MEMBERSHIP IS EXPANDED. THE BOARD OF DIRECTORS OF NATAT DOES NOT UNDERSTAND THE BASIS FOR THIS ARGUMENT, AND THEREFORE, CANNOT SUPPORT THE RECOMMENDATION OF ACIR TO LIMIT

COMMISSION MEMBERSHIP TO TWENTY SIX PERSONS.

UNTIL THE CURRENT ADMINISTRATION CAME INTO OFFICE, SELDOM WERE PROPORTIONAL NUMBERS OF FEDERAL, STATE, AND LOCAL OFFICIALS REPRESENTED AT COMMISSION MEETINGS. FURTHERMORE, WE DO NOT BELIEVE THAT IT IS FAIR TO ASK OTHER UNITS OF GOVERNMENT, PARTICULARLY AS THEY GENERALLY DO NOT REPRESENT SMALL COMMUNITIES AND RURAL AREAS NOW, TO RELINQUISH PART OF THEIR MEMBERSHIP ON ACIR. FINALLY, AS THE NATIONAL ASSOCIATION OF COUNTIES DID NOT NOMINATE MEMBERS UNTIL SOMETIME AFTER THE CREATION OF THE COMMISSION, WE HAVE QUESTIONS ABOUT WHEN, WHY, AND HOW THE BALANCE OF ACIR'S MEMBERSHIP BECAME A MAJOR CONCERN.

FOR THE ABOVE REASONS, WE CONTINUE AT THIS TIME TO SUPPORT THE EXISTING LEGISLATION INTRODUCED BY SENATOR DURENBERGER AND REPRESENTATIVE BROWN.

IN CONCLUSION, MR CHAIRMAN, THE TOWN FORM OF GOVERNMENT, THOUGH THE NATION'S OLDEST, HAS BEEN AFFORDED THE LEAST AMOUNT OF RECOGNITION BY SCHOLARS AND POLICYMAKERS--BOTH IN WASHINGTON AND IN STATE CAPITALS. TOWNSHIP OFFICIALS WANT TO KNOW WHAT THEY CAN DO TO STRENGTHEN THE INTERGOVERNMENTAL SYSTEM AND HOW THEY CAN BEST ADDRESS THE PROBLEMS CONFRONTING SMALL COMMUNITIES AND RURAL AMERICA DURING THIS TIME OF GREAT DEMOGRAPHIC, SOCIAL AND GOVERNMENTAL CHANGE. THERE ARE MANY VIEWS BEING EXPRESSED IN WASHINGTON AND THROUGHOUT THE COUNTRY ABOUT FEDERALISM -- WHAT ROLES DIFFERENT LEVELS OF GOVERNMENT SHOULD PERFORM AND HOW THEY SHOULD INTERACT. ACIR HAS OVER THE PAST TWO DECADES

PROVIDED EXCELLENT INFORMATION FOR AN ONGOING DIALOGUE AMONG POLICY MAKERS PARTICIPATING IN URBAN ISSUES. THE TIME HAS COME, HOWEVER, TO EXPAND THE COMMISSION'S HORIZONS TO INCLUDE INCREASINGLY IMPORTANT SMALL COMMUNITY AND RURAL ISSUES. WE URGE THE SUBCOMMITTEE TO REPORT FAVORABLY ON THE DURENBERGER BILL, LEGISLATION OF THE UTMOST IMPORTANCE TO TOWNS AND TOWNSHIPS.

Senator DURENBERGER. The hearing is adjourned.

[Whereupon, at 3:15 p.m., the subcommittee was recessed subject to call of the Chair.]

ADDITIONAL MATERIAL SUBMITTED FOR THE RECORD

SAMUEL S. STRATTON
28th District, New York

COMMITTEE ON
ARMED SERVICES

SUBCOMMITTEES:
CHAIRMAN, PROCUREMENT AND
MILITARY NUCLEAR SYSTEMS
INVESTIGATIONS

Congress of the United States
House of Representatives
Washington, D.C. 20515

WASHINGTON OFFICE:
2208 Rayburn House Office Building
(202) 225-4076

DISTRICT OFFICES:
Room 827
Leo W. O'Brien Federal Office Building
Albany
(518) 465-0700

U.S. Post Office, Schenectady
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July 2, 1982

Dear Mr. Chairman:

Enclosed is a copy of the testimony I would appreciate your including in the record of the hearing before your subcommittee on S. 2679, legislation that provides for the addition of representatives of town officials on the Advisory Commission on Intergovernmental Relations.

Thank you for your consideration.

Sincerely yours,

enclosure

Hon. Dave Durenberger
Chairman
Subcommittee on Intergovernmental
Affairs
Committee on Governmental Affairs
507 Carroll Arms
Washington, D. C. 20510

TESTIMONY OF CONGRESSMAN SAMUEL S. STRATTON

for inclusion in the hearing record
for Thursday, June 24, 1982

before the Subcommittee on Intergovernmental Relations
of the Senate Committee on Governmental Affairs

MR. CHAIRMAN: I appreciate the opportunity to submit this statement expressing support for S. 2679, legislation that provides for the addition of representatives of town officials on the Advisory Commission on Intergovernmental Relations (ACIR). At the present time almost all other units of government, including cities, counties, and states, have permanent representation on this commission.

However, the thousands of towns throughout the United States are not represented. In my own state of New York over 8 million of New York State's 17.5 million residents reside in townships. In other words, nearly half the residents of my own state are not represented on the Advisory Commission on Intergovernmental Relations, a commission that plays a crucial role in helping to develop policy for all levels of government.

Mr. Chairman and Members of the Subcommittee, I wanted to let you know of my strong support for S. 2679 to add representatives of town officials to the membership of the Advisory Commission on Intergovernmental Relations and urge this subcommittee to report it favorably.

JAMES ABDNOR
South Dakota

4327 Dirksen Senate Office Building
(202) 224-5321

VERNON C. LOCH
ADMINISTRATIVE ASSISTANT

United States Senate

WASHINGTON, D.C. 20510

COMMITTEES:
APPROPRIATIONS
ENVIRONMENT AND PUBLIC WORKS
JOINT ECONOMIC

July 16, 1982

Honorable David Durenberger
United States Senate
353 Russell Senate Office Building
Washington, D.C. 20510

Dear Dave:

I would like to offer my endorsement and support to your efforts in seeking passage of S. 2679, the bill giving towns representation on the Advisory Commission on Intergovernmental Relations (ACIR).

In such areas as fire protection, highway maintenance and developing and maintaining tax bases, the needs of rural and urban areas are very similar albeit on different scales. In other areas such as traffic control, police protection, and public transportation, the two areas' needs differ markedly.

Currently rural areas have no representation on ACIR. Nearly 76 percent of South Dakota's populace live in areas classified as rural. Some of our neighboring states face the same problem in differing degrees.

I am very happy to become a cosponsor of your bill. If I can be of any assistance to you in this endeavor, please don't hesitate to call.

With best wishes, I am

Sincerely,

JAMES ABDNOR
United States Senator

JA/jjr

ADVISORY
COMMISSION ON INTERGOVERNMENTAL RELATIONS
WASHINGTON, D.C. 20575

July 8, 1982

The Honorable William V. Roth Jr.
Chairman, Committee on Governmental Affairs
United States Senate
Washington, DC 20510
Attention: Pauline Hildebrandt

Dear Mr. Chairman:

This letter responds to your request for the views of the Advisory Commission on Intergovernmental Relations on S. 2338, a bill to expand the membership of ACIR to include elected school board officials. The Commission has thoroughly reviewed this question in the past, and at the January 8, 1982 meeting reaffirmed its decision to oppose such a change.

The Commission's long-standing policy has been that members should be drawn from "universal" general purpose governments; that a balance should be maintained among the federal, state, and local officials; that its bipartisan character should be retained; and that, except for the three private citizen members, only elected officials or their policymakers should be chosen to serve.

Although school districts are a very important element in the American intergovernmental system, they are not general purpose governments. School board members are often appointed rather than elected or, if elected, are chosen on nonpartisan ballots. More important, expanding ACIR membership for any single function, even the largest state-local one, opens the door to petitions from all other single purpose units and governmental specialists and provides no criteria for selecting among them.

Thank you for the opportunity to comment on this legislation.

Sincerely,

S. Kenneth Howard

S. Kenneth Howard
Executive Director

II

97TH CONGRESS
2D SESSION

S. 2338

To expand the membership of the Advisory Commission on Intergovernmental Relations to include elected school board officials.

IN THE SENATE OF THE UNITED STATES

APRIL 1 (legislative day, FEBRUARY 22), 1982

Mr. PERCY (for himself, Mr. ROTH, Mr. SASSER, Mr. JACKSON, Mr. LEVIN, Mr. ARMSTRONG, and Mr. NUNN) introduced the following bill; which was read twice and referred to the Committee on Governmental Affairs

---

A BILL

To expand the membership of the Advisory Commission on Intergovernmental Relations to include elected school board officials.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 3(a) of the Act entitled "An Act to establish an Advisory Commission on Intergovernmental Relations" approved September 24, 1959 (42 U.S.C. 4271 et seq.), is amended—

(1) by striking out "twenty-six members" in the matter preceding paragraph (1) and inserting in lieu thereof "twenty-nine members"; and

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(2) by striking out "and" at the end of paragraph (6), by striking out the period at the end of paragraph (7) and inserting in lieu thereof "; and", and by inserting after paragraph (7) the following new paragraph:

"(8) Three appointed by the President from a panel of at least six elected school board officials submitted by the National School Boards Association."

(b) Section 3(b) of such Act is amended by adding at the end thereof the following new sentence: "Of the members appointed under paragraph (8) of subsection (a) of this section not more than two shall be from any one political party and not more than one from any one State."

SEC. 2. (a) Section 4(c) of such Act is amended by striking out "and (7)" and inserting in lieu thereof "(7), and (8)".

(b) Section 4(e) of such Act is amended by striking out "Thirteen" and inserting in lieu thereof "Fourteen".

SEC. 3. Section 7(a) of such Act is amended by inserting "or of school boards" after "county governments".

I

97TH CONGRESS
1ST SESSION

H. R. 2016

To add representatives of town officials to the membership of the Advisory Commission on Intergovernmental Relations.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 24, 1981

Mr. BROWN of Ohio introduced the following bill; which was referred to the Committee on Government Operations

---

A BILL

To add representatives of town officials to the membership of the Advisory Commission on Intergovernmental Relations.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3(a) of the Act entitled "An Act to establish an Advisory Commission on Intergovernmental Relations" approved September 24, 1959 (42 U.S.C. 4273(a)), is amended—

(1) by striking out "twenty-six members" and inserting in lieu thereof "twenty-nine members";

(2) by striking out "and" at the end of paragraph (6) of such section, and by striking out the period at the end of paragraph (7) and inserting in lieu thereof a semicolon; and

(3) by inserting immediately after such paragraph (7) the following new paragraph:

"(8) Three appointed by the President from a panel of at least six elected town officials submitted by the National Association of Towns and Townships.".

SEC. 2. Such Act is further amended by striking out "and (7)" each place it appears in sections 3(b) and 4(c) and inserting in lieu thereof in each such place the following: "(7), and (8)".

CHAPTER 53—ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS

Sec.

4271. Establishment.
4272. Declaration of purpose.
4273. Membership of Commission.
(a) Number of members; appointment; qualifications.
(b) Political and geographical composition.
(c) Term of office; reappointment; period of service.
4274. Organization of Commission.
(a) Initial meeting.
(b) Chairman and Vice Chairman.
(c) Vacancies in membership.
(d) Termination of service in official position from which originally appointed.
(e) Quorum.
4275. Duties of Commission.
4276. Powers and administrative provisions.
(a) Hearings; oaths and affirmations.
(b) Cooperation by Federal agencies.
(c) Executive director.
(d) Appointment and compensation of other personnel; temporary and intermittent services.
(e) Applicability of other laws to employees.
(f) Maximum compensation of employees.
4277. Compensation of members.
4278. Authorization of appropriations.
4279. Receipt of funds; consideration by Congress.

§ 4271. Establishment

There is established a permanent bipartisan commission to be known as the Advisory Commission on Intergovernmental Relations, hereinafter referred to as the "Commission".

Pub.L. 86-380, § 1, Sept. 24, 1959, 73 Stat. 703.

Historical Note

Termination of Office of Intergovernmental Relations. Ex.Ord.No.11455, Feb. 14, 1969, 34 F.R. 2299, formerly set out as a note under this section, which established the Office of Intergovernmental Relations and prescribed its functions, was revoked by section 4 of Ex.Ord.No. 11690, Dec. 14, 1972, 37 F.R. 26815, set out as a note under section 301 of Title 3, The President. Section 5 of Ex.Ord.No. 11690 transferred the records, property, personnel and funds of the Office of Intergovernmental Relations to the Domestic Council.

Office of Intergovernmental Relations; Authorization of Appropriations; Compensation of Director; Appointment of Personnel; Experts and Consultants. Pub.L. 91-186, Dec. 30, 1969, 83 Stat. 849, authorized the appropriation of such

sums as may be necessary for the expenses of the Office of Intergovernmental Relations, established by Ex.Ord.No.11455, formerly set out as a note under this section, prescribed the compensation of the Director of the Office, and authorized the Director to appoint such personnel as he deems necessary and to obtain the services of experts and consultants.

Legislative History. For legislative history and purpose of Pub.L. 86-380, see 1959 U.S.Code Cong. and Adm.News, p. 2898.

Library References

States ⟸4.19. C.J.S. States §§ 1, 7.

§ 4272. Declaration of purpose

Because the complexity of modern life intensifies the need in a federal form of government for the fullest cooperation and coordination of activities between the levels of government, and because population growth and scientific developments portend an increasingly complex society in future years, it is essential that an appropriate agency be established to give continuing attention to intergovernmental problems.

It is intended that the Commission, in the performance of its duties, will—

(1) bring together representatives of the Federal, State, and local governments for the consideration of common problems;

(2) provide a forum for discussing the administration and coordination of Federal grant and other programs requiring intergovernmental cooperation;

(3) give critical attention to the conditions and controls involved in the administration of Federal grant programs;

(4) make available technical assistance to the executive and legislative branches of the Federal Government in the review of proposed legislation to determine its overall effect on the Federal system;

(5) encourage discussion and study at an early stage of emerging public problems that are likely to require intergovernmental cooperation;

(6) recommend, within the framework of the Constitution, the most desirable allocation of governmental functions, responsibilities, and revenues among the several levels of government; and

(7) recommend methods of coordinating and simplifying tax laws and administrative practices to achieve a more orderly and less competitive fiscal relationship between the levels of government and to reduce the burden of compliance for taxpayers.

Pub.L. 86-380, § 2, Sept. 24, 1959, 73 Stat. 703.

Historical Note

Legislative History. For legislative history and purpose of Pub.L. 86-380, see 1959 U.S.Code Cong. and Adm.News, p. 2898.

§ 4273. Membership of Commission

Number of members; appointment; qualifications

(a) The Commission shall be composed of twenty-six members, as follows:

(1) Six appointed by the President of the United States, three of whom shall be officers of the executive branch of the Government, and three private citizens, all of whom shall have had experience or familiarity with relations between the levels of government;

(2) Three appointed by the President of the Senate, who shall be Members of the Senate;

(3) Three appointed by the Speaker of the House of Representatives, who shall be Members of the House;

(4) Four appointed by the President from a panel of at least eight Governors submitted by the Governors' Conference;

(5) Three appointed by the President from a panel of at least six members of State legislative bodies submitted by the board of managers of the Council of State Governments;

(6) Four appointed by the President from a panel of at least eight mayors submitted jointly by the National League of Cities and the United States Conference of Mayors; and

(7) Three appointed by the President from a panel of at least six elected county officers submitted by the National Association of Counties.

Political and geographical composition

(b) The members appointed from private life under paragraph (1) of subsection (a) of this section shall be appointed without regard to political affiliation; of each class of members enumerated in paragraphs (2) and (3) of subsection (a) of this section, two shall be from the majority party of the respective houses; of each class of members enumerated in paragraphs (4), (5), (6), and (7) of subsection (a) of this section, not more than two shall be from any one political party; of each class of members enumerated in paragraphs (5), (6) and (7) of subsection (a) of this section, not more than one shall be from any one State; at least two of the appointees under paragraph (6) of subsection (a) of this section shall be from cities under five hundred thousand population.

Term of office; reappointment; period of service

(c) The term of office of each member of the Commission shall be two years; members shall be eligible for reappointment; and, except

as provided in section 4274(d) of this title, members shall serve until their successors are appointed.

Pub.L. 86–380, § 3, Sept. 24, 1959, 73 Stat. 704; Pub.L. 89–733, §§ 1, 2, Nov. 2, 1966, 80 Stat. 1162.

Historical Note

1966 Amendment. Subsec. (a)(6). Pub. L. 89–733, § 1, substituted "National League of Cities" for "American Municipal Association".

Subsec. (a)(7). Pub.L.89–733, § 1, substituted "National Association of Counties" for "National Association of County Officials".

Subsec. (c). Pub.L. 89–733, § 2, inserted provisions that members shall serve until their successors are appointed, except as provided in section 4274(d) of this title.

Legislative History. For legislative history and purpose of Pub.L. 86–380, see 1959 U.S.Code Cong. and Adm.News, p. 2898. See, also, Pub.L. 89–733, 1966 U.S. Code Cong. and Adm.News, p. 3802.

§ 4274. Organization of Commission

Initial meeting

(a) The President shall convene the Commission within ninety days following September 24, 1959 at such time and place as he may designate for the Commission's initial meeting.

Chairman and Vice Chairman

(b) The President shall designate a Chairman and a Vice Chairman from among members of the Commission.

Vacancies in membership

(c) Any vacancy in the membership of the Commission shall be filled in the same manner in which the original appointment was made; except that where the number of vacancies is fewer than the number of members specified in paragraphs (4), (5), (6), and (7) of section 4273(a) of this title, each panel of names submitted in accordance with the aforementioned paragraphs shall contain at least two names for each vacancy.

Termination of service in official position from which originally appointed

(d) Where any member ceases to serve in the official position from which originally appointed under section 4273(a) of this title, his place on the Commission shall be deemed to be vacant.

Quorum

(e) Thirteen members of the Commission shall constitute a quorum, but two or more members shall constitute a quorum for the purpose of conducting hearings.

Pub.L. 86–380, § 4, Sept. 24, 1959, 73 Stat. 705.

Historical Note

Legislative History. For legislative history and purpose of Pub.L. 86-380, see 1959 U.S.Code Cong. and Adm.News, p. 2808.

§ 4275. Duties of Commission

It shall be the duty of the Commission—

(1) to engage in such activities and to make such studies and investigations as are necessary or desirable in the accomplishment of the purposes set forth in section 4272 of this title;

(2) to consider, on its own initiative, ways and means for fostering better relations between the levels of government;

(3) to submit an annual report to the President and the Congress on or before January 31 of each year. The Commission may also submit such additional reports to the President, to the Congress or any committee of the Congress, and to any unit of government or organization as the Commission may deem appropriate.

Pub.L. 86-380, § 5, Sept. 24, 1959, 73 Stat. 705.

Historical Note

Study and Report to Congress of Effect on Funds Available for Housing and State and Local Bond Markets of Full Deposit Insurance for Public Funds; Submission Date; Authorization of Appropriations. Pub.L. 93-495, Title I, § 101(f), Oct. 28, 1974, 88 Stat. 1502, required the Advisory Commission on Intergovernmental Relations to conduct a study of the impact of section 101 of Pub.L. 93-495 [amending sections 1464, 1724, 1728, 1757, 1787, 1813, 1817 and 1821 of Title 12, and enacting provision set out as a note under section 1813 of Title 12] on funds available for housing and on State and local bond markets, and to make a report to the Congress of the results of its study not later than two years after Oct. 28, 1974, and authorized the appropriation of such sums as may be necessary to carry out section 101(f) of Pub.L. 93-495.

Legislative History. For legislative history and purpose of Pub.L. 86-380, see 1959 U.S.Code Cong. and Adm.News, p. 2808.

§ 4276. Powers and administrative provisions

Hearings; oaths and affirmations

(a) The Commission or, on the authorization of the Commission, any subcommittee or members thereof, may, for the purpose of carrying out the provisions of this chapter, hold such hearings, take such testimony, and sit and act at such times and places as the Commission deems advisable. Any member authorized by the Commission may administer oaths or affirmations to witnesses appearing before the Commission or any subcommittee or members thereof.

Cooperation by Federal agencies

(b) Each department, agency, and instrumentality of the executive branch of the Government, including independent agencies, is autho-

rized and directed to furnish to the Commission, upon request made by the Chairman or Vice Chairman, such information as the Commission deems necessary to carry out its functions under this chapter.

Executive director

(c) The Commission shall have power to appoint, fix the compensation of, and remove an executive director without regard to the civil service laws and chapter 51 and subchapter III of chapter 53 of Title 5. Such appointment shall be made solely on the basis of fitness to perform the duties of the position and without regard to political affiliation.

Appointment and compensation of other personnel; temporary and intermittent services

(d) Subject to such rules and regulations as may be adopted by the Commission, the Chairman, without regard to the civil service laws and chapter 51 and subchapter III of chapter 53 of Title 5, and without reference to political affiliation, shall have the power—

(1) to appoint, fix the compensation of, and remove such other personnel as he deems necessary,

(2) to procure temporary and intermittent services to the same extent as is authorized by section 15 of the Administrative Expenses Act of 1946 but at rates not to exceed $50 a day for individuals.

Applicability of other laws to employees

(e) Except as otherwise provided in this chapter, persons in the employ of the Commission under subsections (c) and (d)(1) of this section shall be considered to be Federal employees for all purposes, including—

(1) the Civil Service Retirement Act, as amended,

(2) the Federal Employees' Group Life Insurance Act of 1954, as amended,

(3) annual and sick leave, and

(4) the Travel Expense Act of 1949, as amended.

Maximum compensation of employees

(f) No individual employed in the service of the Commission shall be paid compensation for such employment at a rate in excess of the rate provided for grade 18 under the General Schedule, except that the executive director of the Commission may be paid compensation at any rate not exceeding the rate prescribed for level V in the Federal Executive Salary Schedule of the Federal Executive Salary Act of 1964.

Pub.L. 86–380, § 6, Sept. 24, 1959, 73 Stat. 705; Pub.L. 88–426, Title III, § 306(e), Aug. 14, 1964, 78 Stat. 429; Pub.L. 89–733, §§ 3, 4, Nov. 2, 1966, 80 Stat. 1162.

Historical Note

References in Text. The civil service laws, referred to in subsecs. (c) and (d), are set forth in Title 5, Government Organization and Employees. See, particularly, section 3301 et seq. of that Title.

Section 15 of the Administrative Expenses Act of 1946, referred to in subsec. (d), was repealed in the general revision of Title 5, and the provisions are now covered by section 3109 of Title 5.

The Civil Service Retirement Act, as amended, referred to in subsec. (e), was repealed in the general revision of Title 5, and the provisions are now covered by sections 1308, 3323 and 8331 et seq. of Title 5.

The Federal Employees' Group Life Insurance Act of 1954, as amended, referred to in subsec. (e), was repealed in the general revision of Title 5, and the provisions are now covered by sections 1308 and 8701 et seq. of Title 5.

The Travel Expense Act of 1949, as amended, referred to in subsec. (e), was repealed in the general revision of Title 5, and the provisions are now covered by sections 5701, 5702 and 5704 to 5708 of Title 5.

For grade 18 under the General Schedule, referred to in subsec. (f), see section 5332 of Title 5.

Level V in the Federal Executive Salary Schedule of the Federal Executive Salary Act of 1964, referred to in subsec. (f), is classified to section 5316 of Title 5.

1966 Amendment. Subsec. (c). Pub.L. 89-733, § 3, substituted "executive director" for "staff director".

Subsec. (f). Pub.L. 89-733, § 4, authorized the executive director of the Commission to be paid compensation at any rate not exceeding the rate prescribed for level V in the Federal Executive Salary Schedule of the Federal Executive Salary Act of 1964.

1964 Amendment. Subsec. (f). Pub.L. 88-426 substituted "at a rate in excess of the highest rate of grade 18 of the General Schedule" for "at a rate in excess of $20,000 per annum".

Effective Date of 1964 Amendment. Amendment of section by Pub.L. 88-426 effective the first day of the first pay period which begins on or after July 1, 1964, except to the extent provided in section 501(c) of Pub.L. 88-426.

Legislative History. For legislative history and purpose of Pub.L. 86-380, see 1959 U.S.Code Cong. and Adm.News, p. 2808. See, also, Pub.L. 88-426, 1964 U.S. Code Cong. and Adm.News, p. 2730; Pub.L. 89-733, 1966 U.S.Code Cong. and Adm.News, p. 3902.

Library References

United States ⇐39(2). C.J.S. United States §§ 17, 44.

Code of Federal Regulations

Conduct and responsibilities of employees, see 5 CFR 1700.735-101 et seq.

§ 4277. Compensation of members

(a) Members of the Commission who are Members of Congress, officers of the executive branch of the Federal Government, Governors, or full-time salaried officers of city and county governments shall serve without compensation in addition to that received in their regular public employment, but shall be allowed necessary travel expenses (or, in the alternative, a per diem in lieu of subsistence and mileage not to exceed the rates prescribed in the Travel Expense Act of 1949, as amended), without regard to the Travel Expense Act of 1949, as amended, the Standardized Government Travel Regulations, or Section 10 of the Act of March 3, 1933, and other necessary expenses incurred by them in the performance of duties vested in the Commission.

(b) Unless prohibited by State or local law, members of the Commission, other than those to whom subsection (a) of this section is applicable, shall receive compensation at the rate of $50 per day for each day they are engaged in the performance of their duties as members of the Commission and shall be entitled to reimbursement for travel, subsistence, and other necessary expenses incurred by them in the performance of their duties as members of the Commission, as provided for in subsection (a) of this section.

Pub.L. 86–380, § 7, Sept. 24, 1959, 73 Stat. 706; Pub.L. 89–733, § 5, Nov. 2, 1966, 80 Stat. 1162.

Historical Note

References in Text. The Travel Expense Act of 1949, as amended, referred to in subsec. (a), was repealed in the general revision of Title 5, and the provisions are now covered by sections 5701, 5702 and 5704 to 5708 of Title 5, Government Organization and Employees.

Section 10 of the Act of March 3, 1933, referred to in subsec. (a), was repealed in the general revision of Title 5, and the provisions are now covered by section 5731 of Title 5.

1966 Amendment. Subsec. (b). Pub.L. 89–733 inserted "Unless prohibited by State or local law".

Legislative History. For legislative history and purpose of Pub.L. 86-380, see 1959 U.S.Code Cong. and Adm.News, p. 2808. See, also, Pub.L. 89-733, 1966 U.S. Code Cong. and Adm.News, p. 3802.

§ 4278. Authorization of appropriations

There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this chapter.

Pub.L. 86–380, § 8, Sept. 24, 1959, 73 Stat. 706.

Historical Note

Legislative History. For legislative history and purpose of Pub.L. 86-380, see 1959 U.S.Code Cong. and Adm.News, p. 2808.

§ 4279. Receipt of funds; consideration by Congress

The Commission is authorized to receive funds through grants, contracts, and contributions from State and local governments and organizations thereof, and from nonprofit organizations. Such funds may be received and expended by the Commission only for purposes of this chapter. In making appropriations to the Commission the Congress shall consider the amount of any funds received by the Commission in addition to those funds appropriated to it by the Congress.

Pub.L. 86–380, § 9, as added Pub.L. 89–733, § 6, Nov. 2, 1966, 80 Stat. 1162.

Historical Note

Legislative History. For legislative history and purpose of Pub.L. 89-733, see 1966 U.S.Code Cong. and Adm.News, p. 3802.

NSBA
FEDERAL RELATIONS

Rayma C. Page
President

Thomas A. Shannon
Executive Director
August W. Steinhilber
Associate Executive Director
Michael A. Resnick
Assistant Executive Director
Gwendolyn H. Gregory
Deputy Legal Counsel

July 8, 1982

The Honorable David Durenberger
Chairman, Subcommittee on
Intergovernmental Relations
United States Senate
507 Carroll Arms
Washington, D.C. 20510

Dear Senator Durenberger:

The National School Boards Association, on behalf of the state associations of Minnesota, Missouri, Tennessee, and Georgia, thank you very much for giving representatives of the nation's 16,000 local school boards an opportunity to present our position on S. 2338, which would add three (3) school board members to the Advisory Commission on Intergovernmental Relations.

At the conclusion of the testimonies of the three witnesses, you asked for the National School Boards Association's positions on (1) the swap provisions of the President's "New Federalism" proposal, (2) P.L. 97-108 State and Local Government Cost Estimates Act of 1981, (3) S. 807 or any part thereof, and (4) Circular A-95. You also asked for some explanation and/or clarification as to the Association's governance and resolutions processes. Due to the press of time, the National Association's representatives present at the hearing were unable to present the National School Boards Association's positions. However, as you suggested, we are responding to those questions in writing for your hearing record.

First, we would like to respond to the manner in which our association is governed. The NSBA Board of Directors, including the officers of the association, are elected by the NSBA Delegate Assembly during our annual convention (which usually registers over 10,000 representatives of school district governance). The 134 member Delegate Assembly consists of at least two school board members from each state plus additional seats based on an enrollment factor. The selection of Assembly delegates is determined by the processes of each of our 50 member state associations.

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In addition to the election of the NSBA Board of Directors, the Delegate Assembly adopts NSBA policies and resolutions -- including positions relating to the issues which you raised during the hearing.* In addition to policies being determined by the elected leadership, NSBA's legislative priorities (within the confines of our resolutions) are determined throughout the year by our Board of Directors.

The national headquarters in Washington, D.C. has a staff of 87 persons reporting to the Executive Director -- who is responsible for the implementation of policies and resolutions. The policies adopted by the Delegate Assembly in April of 1982 are enclosed per your request. Financially, NSBA has an annual budget in excess of $7 million, of which less than .5% are derived from federal grants.

At this point, we would like to summarize NSBA's official positions on the points which you raised:

(1) New Federalism and the swap proposals - Resolutions 2.1.5, 2.1.9 and 2.3.1 state that school boards should participate in federal task forces and commissions which research and make intergovernmental policy recommendations. Further, the association supports program consolidation but urges Congress to reject proposals which would "swap" to the states those education programs that serve legitimate national priorities. Since the Administration did not have a finalized legislative program at the time of our convention, our resolutions did not specifically address its proposal, as such.

(2) Fiscal Notes - P.L. 97-108 - Resolution 2.1.14 clearly supports the concept embodied in 97-108. School boards now and always have been concerned that federal statutes fail to properly account for the direct and indirect cost consequences of federal statutes. Prior to recent developments which have eased the cost of implementing federal programs, NSBA had a more generalized charge in this area. Furthermore, NSBA has offered to provide the CBO with timely data collections as other national governmental associations have agreed to do.

(3) S. 807 - Resolutions 2.1.9, 2.3.1, and 2.3.10 all address the issue of simplifying and coordinating the management of federal assistance programs. As ACIR has pointed out in several studies, education programs were the most numerous and carried commensurate regulatory and paperwork burdens.

(4) Circular A-95 - Resolution 2.2.2 - In 1973, NSBA was deeply involved in Circular A-95, UMJA's, the Under Secretary's Group, and related issues. While our resolutions specifically addressed the A-95 process at that time, in recent years we have only generically dealt with the issue -- i.e., support decentralizion but do not disturb existing lines of governance authority.

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* Each year NSBA's Delegate Assembly conducts a workship wherein voting delegates focus on one key issue of national dimension for local school boards. In 1982 the workship issue was the New Federalism (which featured a presentation by Dr. Benjamin Schuster, Acting Director at the Center for the Study of Federalism.) In recent years, other issues were: 1981, consolidation versus categorical grants; 1980, political action committees; and 1979, the Department of Education and related organizational matters at the federal level.

Finally, we would draw your attention to a number of other positions taken by the Delegate Assembly which demonstrates the breadth of federal intergovernmental issues being addressed by NSBA:

Resolution 2.1.7	Loss of Tax Revenues from Federal Property Impact Aid
Resolution 2.3.2	Energy and Other Resources
Resolution 2.3.3	Federal Negotiations Legislation
Resolution 2.3.4	Social Security
Resolution 2.3.5	Intergovernmental Personnel Act
Resolution 2.3.6	Occupational Safety & Health
Resolution 2.3.7	Unemployment Compensation
Resolution 2.3.10	Federal Recordkeeping
Resolution 2.3.12	Federal Tax Exemption of School Bonds
Resolution 2.3.13	Copyright

The National School Boards Association, on behalf of its membership, has had dealings with every cabinet department and a variety of other agencies and commissions. Consequently, our association, in representing local school boards, has the breadth of issues and multi-agency involvement at all levels of government to be a full contributing partner on ACIR. If you would like additional information on NSBA activities vis-a-vis ACIR's topical areas (e.g., testimony, publications, or reports) we would be delighted to provide you with same.

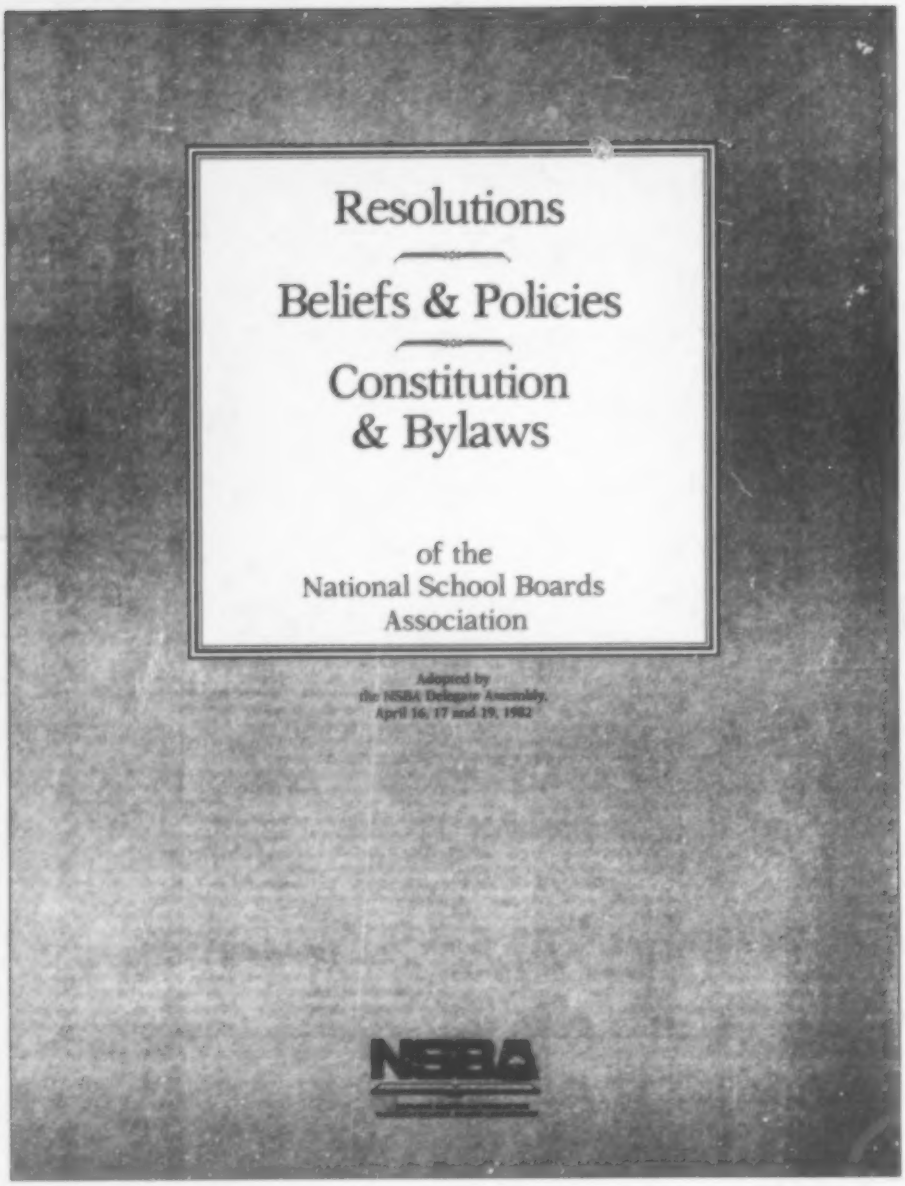
Again, we want to thank you for giving school boards an opportunity to present our position and arguments in support of the passage of S. 2338.

Very truly yours,

Thomas A. Shannon
Executive Director

Rayma C. Page
President

TAS/RCP/jch


Resolutions
Beliefs & Policies
Constitution
& Bylaws
of the
National School Boards
Association
Adopted by
the NSBA Delegate Assembly,
April 16, 17 and 19, 1982
NSBA

Foreword

This booklet presents the current official positions of the National School Boards Association on national and federal issues affecting public elementary and secondary education in the United States. These official positions are expressed in *Resolutions* and in *Beliefs and Policies*.

In addition, this booklet contains the complete text of the NSBA *Constitution and Bylaws* which sets out the purposes of NSBA and the structures and activities and rules that make NSBA's work possible.

All three documents are reviewed annually by the NSBA Delegate Assembly which consists of more than 130 school board members from the 50 states, the District of Columbia and the U.S. Virgin Islands. All changes and additions made by the Delegate Assembly in April 1982 are included. Together, these three official documents guide NSBA until they are again reviewed by the Delegate Assembly in April 1983 in San Francisco.

Resolutions are new each year. A simple majority of delegates in the Delegate Assembly is required for passage. *Beliefs and Policies* remain effective until amended or repealed. Changes require a two-thirds vote of all delegates present and voting. The NSBA *Constitution and Bylaws* may be amended by a vote of two-thirds of delegates present and voting.

The yearly review of all three documents is initiated through two committees created by the NSBA *Constitution and Bylaws*: the Policies and Resolutions Committee and the Constitution and Bylaws Committee.

Proposed additions and changes may be submitted to *Resolutions* and to *Beliefs and Policies* by state school boards associations, other NSBA active members, the Board of Directors of NSBA, Direct Affiliate school boards with approval of their respective state association, governing bodies of the five NSBA Regions, delegates to the Delegate Assembly, Steering Committees of the Councils, or by the Policies and Resolutions Committee. Proposed constitutional changes may be submitted to the Constitution and Bylaws Committee by the Executive Committee, five members of the NSBA Board of Directors, three Active Members or 10 voting delegates. The Policies and Resolutions Committee is scheduled to meet February 2-3, 1983; the Constitution and Bylaws Committee meets January 12, 1983. The committees present their reports to the Delegate Assembly at least 30 days prior to the annual meeting conducted over three days in tandem with the NSBA convention. The report will be distributed as an insert in SCHOOL BOARD NEWS.

In between meetings of the Delegate Assembly, the NSBA Board of Directors has the authority to formulate new NSBA positions and to interpret the positions set forth in this booklet. Any suggestions for such change should be made to the Board at the NSBA offices in Washington, D.C.

A topical index for *Resolutions* is found on page 4 of this booklet. *Beliefs and Policies* and *Constitution and Bylaws* are structured for easy reference.

Rayma C. Page
President

Thomas A. Shannon
Executive Director

NSBA
SERVING AMERICAN EDUCATION THROUGH SCHOOL BOARD LEADERSHIP

Resolutions of the National School Boards Association

Following is the complete and official text of the resolutions enacted by the 1982 Delegate Assembly of the National School Boards Association, meeting in Atlanta, Georgia, April 16, 17 and 19, 1982. Resolutions of the Association, which determine NSBA general policy, originate from numerous school board sources throughout the United States, its territories and possessions, and are debated and submitted by the NSBA Policies and Resolutions Committee, which is composed of school board members from all areas of the U.S. Final debate and enactment are effected by the NSBA Delegate Assembly, which consists of local school board members from the various states and U.S. possessions and the District of Columbia.

I. STATE AND LOCAL FINANCING OF EDUCATION

1.1 State and Local Financing of Education. NSBA supports the equalization of state school finance laws. NSBA encourages each state school boards association to implement a program regularly to evaluate, and when necessary, to seek improvements in the methods by which the laws of its state raise and distribute tax revenues for public education. The equalization of state school finance laws, with realistic consideration for the availability of new revenues, should reflect the following:

A. The periodic shift in relative wealth, effort expended and cost of living variances among local school districts.

B. Realistic, consistent and predictable real estate assessment practices within their states.

C. The legal freedom of local school districts to supplement equalized funds to the extent consistent with the local support for public schools.

D. The adequate weighting and provision for high-cost student needs, including those associated with social, ethnic and cultural differences, as well as special education.

1.2 State Mandates. NSBA believes that special programs, innovative programs or demonstration projects sponsored by the state government should be funded in such a way that their operation does not impose financial or other burdens on the school district in which they are carried out, either during the project period or in later years. To the extent that the federal government removes policy direction, data collection and regulation from the local administration of federal programs, those activities should not be mandated by the state.

2. THE FEDERAL ROLE IN EDUCATION

2.1 Funding of Education Programs

2.1.1 Federal Participation in Education Funding. NSBA urges Congress and the President to continue a program of federal support for public elementary and secondary education that:

A. Recognizes that it is a state and local responsibility to provide funding for education and a state responsibility to provide funding for equal state-wide opportunities for basic education.

B. Compensates for disparities in the need, effort expended, and resources of the states and territories of the United States and subdivisions thereof and the District of Columbia.

C. Assures that local school districts should not be subject to federal regulation solely because other school districts or other governmental agencies within the state accept federal aid.

D. Expresses the national concern that each student be provided an equal opportunity and services for excellence in public education.

E. Recognizes that special needs assistance and general aid are appropriate federal activities—provided local control of, and accountability for, public schools are not usurped and local school board access to the federal decision-making process is assured. All costs of federally-mandated programs and regulations must be fully financed by the federal government.

F. Assures that innovative programs or demonstration projects sponsored by the federal government are funded in such a way that their operation does not impose financial or other burdens on the school district in which they are carried out, either during the project period or in later years.

G. Assures that *all* federal aid directed to programs which provide benefits for pupils be distributed directly to local school districts, at the same time NSBA recognizes and supports the traditional role of state departments of education in assisting in the implementation of federal programs.

H. Assures that acceptance of federal aid for one program does not subject the school to general federal regulation.

2.1.2 The Federal Budget Process. NSBA urges the Congress of the United States to carry out its budget process within the intent of the Congressional Budget and Impoundment Control Act of 1974, thereby returning the jurisdiction over programs and their possible redesign to the Congressional authorizing committees.

2.1.3 Local Control. NSBA supports efforts to strengthen local control of education whereby residents of the school district, through their school board, oversee the operation of their schools.

2.1.4 Funding and Improved Management Procedures. NSBA urges the President and the Congress to provide adequate and efficient financing for federal education programs by:

A. Funding at levels which meet the needs of all eligible students.

B. Recognizing local cash-flow requirements by not deferring or rescinding previously enacted appropriations.

C. Reducing from 45 to 25 the number of days in which Congress must act to approve a rescission request.

D. Rejecting budget reconciliation as a mechanism for determining education funding levels, or substantive program changes.

2.1.5 Federal Role in Public Education. NSBA urges the Congress and the President to recognize education as a state and local function while accepting a federal role in education in support of programs, including but not limited to, vocational education, innovative activities, and child nutrition, that respond to matters of legitimate and overriding national interest. NSBA further urges Congress to reject proposals which would transfer to the states those education programs which serve legitimate national priorities.

2.1.6 Vocational Education Act. NSBA urges the President and the Congress to improve vocational education by amending the Vocational Education Act for a minimum of five years as follows:

A. Allocate aid to the local or intermediate school districts on a local formula basis.

B. Expand the program of vocational education so as to make these programs available to all appropriate segments of the school population.

C. Authorize incentive grants to local school districts to enable the development of vocational curriculum which reaches a full range of educational programs appropriate for the public school system.

D. Separate postsecondary programs from secondary programs and develop the latter around the components of 1) innovation for general purposes, and 2) special populations.

2.1.7 Loss of Tax Revenue from Federal Property/Impact Aid. NSBA urges Congress to authorize and adequately fund programs to compensate any local school district which loses tax capacity as a result of federally owned property in its locality. In addition, NSBA urges Congress to support total funding for Impact Aid assistance as authorized under the 1978 education amendments.

2.1.8 Educational Research. NSBA urges a research role within the Department of Education which takes into consideration the need for:

A. Grants to local school districts for applied research in areas identified by applicant local school boards.

B. Balancing the need to support both basic and applied research.

C. Local school board involvement in the development, utilization and dissemination of federal research priorities and the design of research programs.

2.1.9 Consolidation and Deregulation of Programs. NSBA urges the Congress and the President to enact legislation to provide local school districts with discretion to transfer federal funds among a broad range of federal priorities and to eliminate unnecessary program administration for each such priority.

Congress is to be commended for passing in 1981 the Education Consolidation and Improvement Act as a consolidation program rather than as a block grant. In considering other consolidation and deregulation programs, Congress is urged to condition the implementation of such programs to funding levels which are at least equal to the levels contained in the original legislation.

2.1.10 Congressional Oversight of Federal Regulations. NSBA urges Congressional oversight, whether by "legislative veto" or by other means, which is necessary to assure that federal agencies do not exceed the authority delegated in enabling statutes.

2.1.11 Office for Civil Rights. NSBA encourages the Office for Civil Rights to establish enforcement procedures which will promote positive long term endeavors with local school districts in protecting the civil rights of all students. Further, NSBA urges the Office for Civil Rights to redesign its data collection surveys in a manner which removes requirements for developing non-compelling or unreasonably expensive data and which includes statistical standards to assist school systems in their self-evaluations.

2.1.12 Law Enforcement and the Office for Civil Rights. NSBA encourages the Department of Education, the Office for Civil Rights and their regional offices to conform policies and practices with respect to bilingual education to the language used by the Supreme Court in *Lau v. Nichols*, which stated that while school districts were responsible for preparing non-English-speaking pupils to take part in the normal programs of their schools, the methods of implementation should be left to the discretion of the local boards and educators.

2.1.13 Federal Enforcement of Civil Rights Laws. NSBA encourages Congress to authorize alternative sanctions to the deferral or termination of federal financial assistance for violation of civil rights statutes. Such sanctions should be available as realistic penalties for less than system-wide or otherwise major violations. NSBA also urges the Department of Education to adopt procedures for utilizing professional mediators to seek voluntary compliance.

2.1.14 Education of the Handicapped. NSBA urges Congress to appropriate all funds necessary for school districts to meet the requirements of Section 504 of the Rehabilitation Act of 1973 and P.L. 94-142.

NSBA opposes any rule or regulation which would: 1) supersede any state statute relating to local school district due process procedures for special education, or 2) require local school boards to be responsible for non-educational costs, such as for room, board, and medical treatment for handicapped students, and requests that other appropriate agencies be required to bear these non-educational costs, or 3) expand the definition of "related services."

NSBA urges the simplification and clarification of federal special education laws and regulations in order to more efficiently and effectively deliver special education programs to those students who require them under Section 504 of the Rehabilitation Act and P.L. 94-142 and their related rules.

2.1.15 Other Programs for the Handicapped. NSBA urges Congress to fund fully existing programs for the handicapped such as Title XIX of the Social Security Act.

2.1.16 Non-documented Residents and Refugee Students. NSBA supports legislation to provide financial assistance to school districts for the education of such children as non-documented residents and Indo-Chinese or other refugees.

2.1.17 Child Nutrition Programs. NSBA recognizes the importance of child nutrition programs to the physical and intellectual capacity of students and supports efforts to improve access to high quality nutrition for every child.

NSBA urges the President and the Congress to continue to fund the existing school nutrition programs. In addition, NSBA urges the Secretary of Agriculture to continue to maintain the Congressional intent in the school district pilot programs to test the potential cost benefits for school districts that elect cash or a letter of credit in lieu of commodities by giving bonus equivalency.

2.1.18 Youth Employment. NSBA recognizes that youth unemployment is a serious detriment to the development of youths into

productive adults. The nation's public schools have a responsibility to provide youths with educational and occupational skills that will enhance their employability and improve their success in today's labor market. Therefore, NSBA recommends that:

A. The youth programs should direct community resources in a manner that enhances the use of existing accredited community educational institutions.

B. Vocational education programs at the local school level must take responsibility for the basic employability skills of literacy and computation.

C. Alternative education programs for disadvantaged youths must meet quality standards equivalent to those required of the local school districts.

2.1.19 Tuition Tax Credits/Vouchers. NSBA is in complete opposition to any proposal by the Congress or the Administration to subsidize elementary or secondary private schools through tax credits and/or vouchers for the parents or guardians of children who are enrolled in such schools.

It is inappropriate to divert public funds to support non-public education, which in part is not regulated and/or controlled in the same manner as the public schools.

NSBA encourages and supports local governing boards in offering the widest possible variety and range of instructional programs to students so that they have a choice of instructional options which best meet their needs and abilities.

In addition, NSBA states that public funds shall be spent for public education and that public education funds should go only to school systems or county school units which have locally elected or appointed boards or trustees directly accountable to the public.

2.1.20 Mathematics, Foreign Language and Science Instruction. NSBA shall take a leadership role to develop appropriate legislative and public awareness programs to meet the vital national interest to increase support, financial assistance, and other incentives to encourage individuals to pursue and continue educational careers in the fields of mathematics, foreign language, and science instruction; and NSBA shall actively seek the cooperation and support of other organizations, both public and private, in this endeavor.

2.2 DEPARTMENT OF EDUCATION AND PROGRAMS THEREUNDER

2.2.1 Department of Education. NSBA urges the Department of Education to follow the legislation which established it and to avoid unauthorized regulatory or curriculum intrusions into local educational policymaking. Toward that end, NSBA shall work closely with the Department to ensure that it does not exceed its mission and goals set forth in law.

Furthermore, NSBA commends the Secretary of Education for taking action to reduce significantly paperwork, regulations, and bureaucracy from the Department of Education.

2.2.2 Regionalization/Decentralization of Federal Education Programs. NSBA supports efforts by the federal government to achieve administrative efficiency of federal education programs through reorganization. However, NSBA does oppose any regionalization or decentralization plan that reduces local school board effectiveness in operating federal grant-in-aid programs or otherwise disturbs the existing lines of authority over education within the state.

2.3 OTHER FEDERAL PROGRAMS

2.3.1 Federal Advisory Commissions and Committees. NSBA urges the President and Congress to appoint individuals who represent local school boards to federal commissions or advisory committees which study or make recommendations concerning local government functions provided by school districts.

NSBA supports inclusion within the membership of the Advisory Commission on Intergovernmental Relations of at least three local school board members. These members should be appointed by the President from a slate submitted by NSBA.

In addition, school board members should be appointed to other intergovernmental advisory boards including, 1) the President's Task Force on Federalism, 2) the President's Task Force on Regulatory Reform, and 3) the Committee for More Effective Government contained in S. 10.

2.3.2 Energy and Other Resources. NSBA supports a program of direct grants to school districts for energy conservation.

2.3.3 Federal Negotiations Legislation. NSBA opposes any federal school employees' negotiations legislation, including passage of a federal collective bargaining law.

2.3.4 Social Security. NSBA opposes the mandatory inclusion of local school district employees in the Social Security system and reaffirms the philosophy of local control of the public schools.

2.3.5 Intergovernmental Personnel Act. NSBA opposes any amendment to the Intergovernmental Personnel Act or other legislation which would authorize the Office of Personnel Management to pay any portion of the cost of training members of employee organizations in labor/management tactics.

2.3.6 Occupational Safety and Health. NSBA supports appropriate safety standards in the public schools; however, we are opposed to a federal law in this area—especially an extension of the Federal Occupational Safety and Health Administration standards for private industry to unique conditions that exist in public schools.

2.3.7 Unemployment Compensation. NSBA urges Congress to enact appropriate legislation to deny unemployment compensation payments for all K-12 school employees during the period between successive academic years, between semester breaks, and during holiday recesses.

NSBA further urges legislation which will deny such benefits to any employee of a local board of education who engages in a strike, whether legal or illegal, or who may be temporarily laid off as a result of a strike caused by others, whether or not they are employees of that local board.

Moreover, professional employees, such as substitute teachers, who are hired for a limited or fixed period of time shall not be entitled to unemployment compensation from that board of education upon the completion of such employment.

2.3.8 Economic Recovery Programs. NSBA urges Congress and the President to provide local school districts direct funding under economic recovery programs.

2.3.9 Federal Youth Training Programs. NSBA urges Congress and the President to provide maximum local school district participation in any federal youth training programs by:

A. Requiring that local prime sponsors provide local school districts the opportunity to serve on local prime sponsor planning councils.

B. Clarifying that in approving locally developed procedures relating to academic credit, state departments of education are not required to develop such procedures or either develop or approve programs, program guidelines, or academic credit policies.

C. Requiring that community based organizations demonstrate their effectiveness as alternative deliverers of services through: 1) student needs assessments, 2) program evaluations and credits, 3) standards for awarding grades and employing instructors, and 4) records of job placement in non-CETA positions.

2.3.10 Federal Record Keeping. NSBA urges federal agencies to require the maintenance of only such records as specifically mandated by Congressional action. No records should be required to be kept beyond the term of normal need, nor should any federal records require the identification of individual students.

2.3.11 Title IX of the Education Amendments of 1972. NSBA encourages the agencies involved in the administration of Title IX of the Education Amendments of 1972 (sex discrimination) to seek uniformity in interpretation and policy on every level. Further, the federal government should bear the administrative costs imposed by this and similar mandates on local school districts.

2.3.12 Federal Tax Exemption of School Bonds. NSBA opposes any efforts by Congress or the Administration to eliminate or hinder the issuance of tax-free bonds by school districts.

2.3.13 Copyright. NSBA supports the right of education to the fair use of copyrighted materials without permission of the copyright holder. NSBA supports the continued guarantee of such rights and believes that fair use rights extend beyond printed material to include off-the-air tapes and live performances.

3. PROGRAMS URGING MULTI-AGENCY ACTION

3.1 Education Commission of the States. NSBA urges that the composition of the Education Commission of the States should include at least one local school board member among the public members from each participating state.

3.2 Educational Cooperation. NSBA urges boards of education to initiate procedures to promote cooperation with neighboring boards of education, including the establishment of area forums and consortia on educational problems.

NSBA supports voluntary multi-district efforts to provide educational services when such services cannot be provided by individual districts.

3.3 Minority Representation in Education. NSBA supports greater involvement of women and minority group representatives in the governance of education.

A. Local boards of education and other local authorities should:

1. Encourage the candidacy of women and minority candidates for local school boards.
2. Encourage the appointment of minorities and women to local school board vacancies.

B. State associations should:

1. Adopt a written policy relating to the encouragement of the candidacy of women and minorities for local school boards and to state and local advisory committees.
2. Plan convention programs on the subject of minorities and women in educational governance.

C. Local school boards should develop and implement means to overcome conditions which discourage minority and women's participation in local school governance.

3.4 Abuse of Drugs, Alcohol or Other Substances. NSBA urges local school boards and state school boards associations to take initiative to meet the problems raised by the abuse of drugs, alcohol and other substances.

NSBA urges: 1) law enforcement agencies to prosecute vigorously wholesalers and pushers of illegal drugs and those who sell alcohol illegally to minors; 2) the Congress and the President to take measures aimed at stopping the influx of illegal drugs into this country; and, 3) child welfare agencies to address the problem of child alcoholism.

3.5 Education of Students with Limited English-Speaking Ability. NSBA urges that states and local school districts develop educational programs that will ensure that children with limited or no English-speaking proficiency shall have access to quality education. NSBA urges Congress and the President to provide the necessary resources for school districts to meet these needs.

Any solution devised to meet the needs of students with limited or no English proficiency should focus on the individual needs of such children. NSBA supports the concept that these students should, as soon as possible, become proficient in English. NSBA also urges institutions of higher education to train more bilingual teachers, administrators, and ancillary personnel to assist in the implementation of such programs.

3.6 Crime and Violence on Television. NSBA opposes violence on television and supports projects designed to reduce television violence.

NSBA supports efforts to work with the television networks, local television stations (both public and commercial), sponsors, and others for improved program content.

4. STATE AND LOCAL POLICIES AND PROGRAMS

4.1 State and Local Policies and Programs in General

4.1.1 Equal Rights. NSBA supports equal rights for all persons and urges all state and local boards of education to review their policies to guarantee equal opportunity for both staff and students. NSBA urges school districts to continue to promote equality and to eliminate from educational materials and procedures stereotyping which limits equal opportunities for students.

4.1.2 Students' Rights/Parental Rights. NSBA urges all local school boards, after involving students and parents, staff and community, to establish written policies on student and parental rights and responsibilities that are in accord with federal and state laws. NSBA urges that all local school boards establish due process procedures for the administration of these policies.

4.1.3 Parental Involvement in the Schools. NSBA recognizes that the common concern of school board members and parents for the children in the public schools should be jointly addressed by a program of constructive parental involvement on an advisory basis.

4.1.4 School Volunteers. NSBA urges local school districts to use volunteers as a means of enriching the learning experiences of students and to build school-community ties.

4.1.5 Public Information Programs. NSBA urges state school boards associations and local boards to develop educational programs to inform the public and students about school boards as a form of representative government.

4.1.6 Teacher Recognition. NSBA urges state school boards associations and local school boards to develop and implement public information programs which recognize teachers for significant accomplishments and community service.

4.1.7 Improvement of Teaching Skills. School boards should work with teacher-training institutions and state boards of education to improve the quality of teaching through improved teacher training and workable and productive certification procedures.

4.1.8 Teacher Education, Competency and Evaluation. NSBA urges local school boards, in consultation with state associations of school boards and state boards of education, to encourage the improvement of certification standards for teachers.

4.1.9 Teacher Centers. NSBA supports the concept of in-service and staff development to promote professional development of teachers, through teacher centers under the control of the local school board.

4.1.10 Administrative Team. NSBA urges state associations to encourage and support local school boards in the creation of an administrative and management leadership team which includes principals. In order to fully implement this concept, supervisory, confidential and managerial employees should have the opportunity to initiate, review and recommend policies.

4.1.11 Negotiations—Retention of Management Prerogatives. NSBA urges school boards not to relinquish traditional management responsibilities as a result of the collective bargaining or negotiation process.

In addition, NSBA urges each school board engaged in the collective bargaining or negotiating process to ensure that the school board retains the sole responsibility for making the final decision on behalf of the district in that process.

4.1.12 Binding Interest Arbitration. NSBA is opposed to binding interest arbitration at the federal, state, or local levels of government or to any other methods for resolving collective bargaining impasse disputes which diminish or undermine the authority of a local school board.

NSBA urges the repeal of existing state and local laws which impose binding interest arbitration on local school boards.

4.1.13 Negotiation Impasses. NSBA supports state legislation which makes strikes against public schools illegal.

4.1.14 Disruptive Students. NSBA urges school boards to develop positive alternative educational programs for disruptive students, who have unique educational needs.

State legislatures, departments of public instruction, and other appropriate agencies should provide the support for these alternative programs.

4.1.15 Policies Promoting Equality. NSBA urges its members and local school boards to review practices and to develop policies that promote and ensure just and humane treatment for all.

4.1.16 Conservation of Energy Resources. NSBA urges local school districts to initiate a concerted effort to reduce energy consumption. To accomplish this goal, NSBA urges state school boards associations and local boards of education to develop and implement energy cost-cutting programs.

4.1.17 Community Education. Since educational facilities represent a sizeable public investment,NSBA supports maximum use of school facilities for public community education. NSBA urges the school boards to develop programs that will provide for interaction between the schools and the community, provided that these programs do not adversely affect the school districts' educational programs.

4.1.18 School Bus Safety. NSBA opposes regulations addressing school bus safety, which may in themselves result in a safety hazard.

4.1.19 American Indians and Other Native Americans. NSBA recognizes the complexity and diversity of the American Indian and other native American populations throughout the nation and urges that American Indians and other native Americans be involved in local decision-making regarding public schools.

4.1.20 High School Athletic Competition. NSBA opposes the concept of national sports competition among high school teams and the efforts of any organization, agency, or individual to establish such competition. NSBA furthermore urges school boards throughout the United States to resist all invitations to all high schools within their jurisdiction to participate in such national competition or in play-off events destined to lead to such national competition.

4.1.21 Asbestos in the Schools. NSBA urges local school districts to ensure that all their school buildings are fully inspected and, where asbestos is discovered, that necessary and appropriate action be taken to render the buildings safe. NSBA also urges Congress to institute a program of grants and loans to help school districts pay for inspections and abatement of the asbestos hazards in a safe manner from school buildings.

4.1.22 U.S. Armed Forces Recruiters. The United States Armed Forces should have the same opportunities to communicate to high school students as do colleges, universities and businesses. School boards should implement policies that permit armed forces recruiters access to their schools and student lists in the same manner as other educational or career organizations do.

4.2 RESPONSIVE BOARDMANSHIP

4.2.1 In-service Training. NSBA and AASA should join together in encouraging local school boards and superintendents to develop adequate in-service education programs for school board members and school administrators that are designed and offered by NSBA, AASA, state school boards associations and administrators' associations.

Such in-service education programs are a legitimate district expense that returns its investment many times over in the form of an increased sophistication, efficiency, and understanding of people charged with society's most important responsibility, responsible public school leadership through effective governance and administration.

4.2.2 Striving for Excellence. Boards must strive to provide excellence in education and hold themselves accountable to the community for their efforts. Boards should assure the greatest possible use of the most effective techniques and results of education research, evaluation and development.

4.3 IMPROVED CURRICULUM

4.3.1 Competency Based Education Programs and Minimum Competency Testing. NSBA supports the adoption and development of competency based instructional programs and testing programs. NSBA considers the following factors to be central to programs of competency based education and competency testing.

A. Fully developed competency based education programs meet student needs more effectively than conventional minimum competency testing systems. Withholding diplomas or grade promotion as a result of tests is appropriate only when combined with measurable student learning objectives, proper record keeping, regular reporting to parents and special programs of remediation.

B. Competency based education is a locally developed program of student learning objectives in all curricular areas. Policy decisions regarding competency based education should be made at the local district rather than at the state or federal levels in order to respond to the unique needs of each community.

C. Adequate resources must be made available to local districts for developing and implementing them. State departments of education should provide technical assistance to districts, particularly small districts, for such development projects.

4.3.2 Educational Program Flexibility. NSBA urges its member associations to work for greater flexibility at all levels in educational program structure, expanded work-study programs, cooperative training programs with industry and business, short-term occupational education providing entry-level job skills, and for the simplification of procedures for dropouts to re-enter educational programs.

4.3.3 Comprehensive Career Education. NSBA recognizes that the purpose of career education programs is to provide educational experiences for students, not to provide employment. Thus, NSBA urges modification of the application of state laws which treat these programs in employment terms, rather than education terms.

NSBA believes that the constructive attitudes and concepts involving the dignity of all kinds of work should be woven into existing curricula beginning with the primary grades by involving community resources to provide career exploration for students.

4.3.4 Programs for Gifted Students. NSBA supports the concept that it is the responsibility of educators to recognize and develop the special gifts that each child may possess. NSBA supports the development of the best in each child through a program of instruction that includes diagnosis and prescription in terms of needs and talents.

4.3.5 Global Education. NSBA urges local school boards, as well as other educational agencies, to initiate, maintain and improve efforts to ensure that all present programs reflect the complexities of our ever-increasing interdependent world that exists between themselves, their community, their nation and the rest of the world.

4.4 OTHER CURRICULAR AND EDUCATIONAL CONCERNS

4.4.1 Other Curricular Concerns. NSBA urges local school boards to meet unique curricular needs which may not otherwise be afforded to students except in the public schools and which are skills necessary to cope in society today. These areas include: consumer education; citizenship education; homemaking for all students, regardless of sex; family life and responsibility.

4.4.2 Other Educational Concerns. NSBA urges local school boards to address social concerns which directly affect students, their education and educational environment. Such concerns may be addressed through school board policies, parent education programs, the school district curriculum or other means. These concerns include, among others: critical television viewing; school dropouts; child abuse and neglect; use of children in pornography; drug, tobacco and alcohol abuse; recognizing and avoiding venereal disease.

4.4.3 Teaching as a Profession. The success of public education depends in large part on competent and productive teachers. NSBA, state school boards associations and local boards of education should seek methods to give the profession of teaching the status and recognition necessary to fulfill the mission of the public schools.

5. NATIONAL AND STATE SCHOOL BOARDS ASSOCIATION PROGRAMS

5.1 Increasing Board Member Effectiveness. NSBA recognizes that survival of lay control of education and the effectiveness and efficiency of educational programs are directly related to the level of competence of individual school board members.

To bring about a higher level of effectiveness and expertise in the area of management and policy making of the individual board of education member, NSBA:

A. Urges that state school boards associations promote orientation and training programs and seminars for local school board members.

B. Offers its services to assist state associations in the preparation of materials and development of programs.

5.2 Implementation of NSBA Purposes. NSBA recognizes its responsibilities as follows:

A. To ensure broad dissemination of the Policies and Resolutions of NSBA.

B. To implement the Policies, Beliefs and Resolutions of NSBA.

C. To do such other things as the Delegate Assembly or Board of Directors may deem appropriate consistent with the Beliefs and Policies, the Resolutions, and under the authority of the Constitution and Bylaws.

5.3 Public Commitment to Education. NSBA urges local board members to take an active role in developing support of public education at all levels of government. Legislation reflecting the objectives of school boards should be initiated by and supported on behalf of school boards. School boards, through their associations, should play an active role in support of sound educational legislation.

In order to enable NSBA to have an effective role in federal matters, local school boards through their state school boards associations are encouraged to participate actively in the FRN.

5.4 State Association Leadership in Teacher Negotiation Legislation. NSBA urges the state school boards associations of every state to assume the leadership role whenever the government of that state is involved in developing or amending legislation pertaining to teacher-staff relations. Such leadership should include action ensuring that legislation would protect local school board control of schools by limiting the scope of bargaining to wages and economic terms of employment and by including bans on binding arbitration in establishing contract provisions and bans on employee strikes.

5.5 Negotiations—NSBA Provision of Information and Training. NSBA shall establish a strong public information program on collective bargaining at the national level and provide guidance for state associations and local school boards on collective bargaining.

NSBA should develop and demonstrate programs on the governance role of local school board members as the protectors of the public interest in collective bargaining.

NSBA also urges state associations to develop in-house expertise in collective bargaining and employer-employee relations.

5.6 School Finances—Information Programs. NSBA shall inform all state school boards associations as to the status of school finance referenda (such as "Proposition 13") involving taxing limitations, spending limitations or voucher systems and, in cooperation with associations of local school boards having experienced such referenda, shall provide counsel and advice upon request to associations of local school boards in states where such referenda are, or may be, placed on the ballot in the future.

5.7 Department of Education-NSBA Involvement. NSBA shall continue to monitor the activities of the Department of Education and take such steps as are necessary to ensure that the organization, management, and policies of the Department are developed with NSBA's counsel and participation, and that the primacy of local control of, and accountability for, public elementary and secondary education is preserved.

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BELIEFS AND POLICIES OF THE NATIONAL SCHOOL BOARDS ASSOCIATION

The public school boards of America, united in their state school boards associations and federated into the National School Boards Association and its Direct Affiliates, believe that education is necessary to the dignity and freedom of the American people. The public school boards believe further that all students should have equal access to an education that maximizes their individual potential.

MISSION AND GOALS OF THE NATIONAL SCHOOL BOARDS ASSOCIATION

The primary mission of the National School Boards Association is to promote the general advancement of education. To accomplish this purpose, the National School Boards Association has established five goals, from which the Policies set forth in Articles I through VI have been developed. These goals are:

• Promote local lay control of, and accountability for, public education by:
— Improving public understanding of the need for local control of, and accountability for, the public schools.
— Enhancing the status of citizen participation on local public school boards and as individual board members.
— Increasing the participation of local school board members in determining state and national education policy.

• Increase school board impact on federal education laws, regulations and court rulings by:
— Initiating and coordinating legislative efforts to maximize local initiative and control of schools, yet increasing federal support of education.
— Maintaining liaison with federal executive and regulatory agencies to ensure that laws and regulations are administered in accord with congressional intent and good educational practices.
— Monitoring, reporting and influencing federal administrative rulings and judicial decisions through the filing of *amicus curiae* briefs as authorized by the NSBA Executive Committee, and otherwise in order to carry out the purposes of the policies and resolutions.

• Provide services—through state associations or directly to local boards—which help improve the education of young people by:
— Improving the education, competency and performance of school board members.
— Assisting school boards in improving teacher education, competency, performance certification and evaluation.
— Strengthening the management-team concept in public school education.
— Assisting local districts to negotiate effectively with employee groups.
— Increasing the ability of local districts to provide equal educational opportunities for all public school children (e.g., gifted; handicapped; the educationally, socially and economically deprived; and those with language and cultural differences).
— Encouraging educational governance opportunities for women and board members of minority races or ethnic origin.

• Serve its member state school boards associations by:
— Enhancing the relationships and cooperative efforts between the National School Boards Association and the state school boards association.
— Assisting state school boards associations in being more effective on behalf of their members.
— Utilizing regional structures for the sharing of experiences of interest to the Regional Active Members.
— Conducting, coordinating and reporting on research regarding issues of concern to state school boards associations and local boards of education.

• Serve as an educational clearinghouse and liaison on behalf of local boards and state associations with other education organizations and governmental authorities.

ARTICLE I
CONTROL AND SUPPORT OF PUBLIC SCHOOLS

Section 1—State and Local Governance of Education

Public education is the responsibility of the states and of the local school boards created thereunder. The National School Boards Association supports the following principles as means of effectively discharging that responsibility:

1.1—School District Organization—School districts should be organized so as to provide the best educational programs for grades kindergarten through twelve.

1.2—Fiscal Independence of School Boards—To discharge their responsibility properly, local school boards must control the funds used to operate the schools. Therefore, school districts should possess fiscal independence.

1.3—Separation of Church and State—The American tradition of the separation of church and state should be safeguarded vigorously. To this end, the Association believes that funds raised by general taxation for educational purposes should be administered by public officials and should not be used to support any privately operated schools. The Association recognizes and upholds the right of any group to establish and maintain schools so long as such schools are financed by their own supporters and are subject to such governmental supervision which assures a minimum standard of instruction and adherence to the Constitution and laws of the United States.

1.4—Local/State Education Agencies—State and local agencies responsible for public education should be supported in order to retain effective state and local control of, and accountability for, the public elementary and secondary schools.

1.5—Authority of Local Education Agencies—All community programs which involve education should be established and operated under the authority of the public schools and should be designed to avoid a proliferation of educational agencies in the community.

Section 2—State and Local Financing of Education

2.1—Equalization of Financial Support—Concerted efforts must be made by each state to equalize the financial support of public education to assure that each taxpayer, individual and corporate, shall con-

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tribute its just proportionate share.

2.3—Minimum State Foundation Support—Each state must (A) guarantee to its local school districts a level of financial support that ensures equalization of inter-district educational opportunities, and (B) guarantee a credible program, while sustaining a steadily improving minimal foundation for education and maximizing local discretion over expenditures. To assure that equalization does not become synonymous with mediocrity and confinement, any method of state funding must ensure the option that allows a local district to go beyond the established state minimum program by raising its own funds.

2.3—State and Local Laws Requiring More Than a Fifty Percent Voter Approval on School Issues—The National School Boards Association strongly reaffirms its belief that state and local referendum provisions requiring state and local school financing issues to be approved by more than simple majority vote are unfair and inconsistent with the principles of democracy.

ARTICLE II
RESPONSIBILITIES OF LOCAL SCHOOL BOARDS

Section 1—Philosophy of Local Board Responsibility

Local school boards exemplify American principles of representative democracy. Ultimately accountable to their publics, local school boards act as community decision-making agencies for the public schools. Moreover, on behalf of local public schools, school boards represent their communities to local, state and national agencies.

In the strong conviction that the American system of public school education will best meet the needs of citizenry if all local school boards throughout the United States recognize and meet their full legal, civil, social, economic, moral and ethical responsibilities, the Association believes that:

1.1—Standards of Local Board Operations—School boards should function as nonpartisan, broadly representative, corporate bodies. Each member of a school board should let his or her consideration for the entire district take precedence over partisanship and special interest.

1.2—Written Policy: Adoption and Execution—School boards should adopt clearly defined written policies based on a thorough understanding of the educational process. In formulating the policies, they should consult individuals and groups affected by the policies, and properly delegate execution of those policies to employed professional administrators.

1.3—Open Board Meetings and Public Information—School boards should conduct school district business in open session, except as otherwise provided by law, and endeavor by every possible means to inform the public concerning the schools.

1.4—Citizen Group Involvement—School boards should encourage citizen participation that increases the public's communication and identification with its schools. To this end, school boards should develop policies that support the concept of citizen advisory bodies and establish clear guidelines that define the task, composition, operation, duration, reporting and evaluation of such bodies.

1.5—Training and Research—School boards should seek to improve their own capabilities and procedures and should encourage training, scholarly research and experimental efforts which offer promise of improving school board capabilities and procedures.

Section 2—Employee Relations

2.1—Professional Standards—High quality teaching is a priority for school boards and their associations. Therefore, school boards and school board associations should continue to take the leadership position in improving the quality of instruction in our schools. School boards and their associations should continue to support excellence in teacher education, development of local standards and practices for hiring, in-service education for personnel consistent with district goals and priorities, and constructive evaluation of administrative and teaching personnel.

2.2—Equality of Employment—NSBA urges local school boards to review school district policies and practices to ensure that employment, training, retention and promotion are provided without regard to age, race, religion, sex, national origin, or handicap.

2.3—Employment of School Personnel—School boards should employ and adequately compensate competent professional and nonprofessional personnel.

2.4—Involvement in Planning—School boards should include their personnel in the overall planning process.

2.5—Communications with Personnel—In determining general policies relating to the operation of the schools, handling of personnel problems, employee salaries and fringe benefits, and the general welfare of all personnel, local school boards should establish satisfactory procedures for communication with their personnel.

2.6—Responsibility for Uninterrupted Education—School boards should develop plans of action to ensure the uninterrupted education of students during emergency situations. Strikes, sanctions, boycotts, or other concerted actions that interfere with the orderly functioning of the public school system are improper procedures when used by public school employees. When such actions occur, special emphasis should be placed on communicating with staff and the community.

Section 3—General Policy Consideration for Local Programs.

3.1—Education as a Priority—NSBA urges all citizens and particularly all school board members to support public education as a matter of the highest priority despite current and future social and economic crises.

3.2—Accountability—School boards are accountable to students, parents, taxpayers, and employees for providing educational programs, striving for program excellence and demonstrating accountability by:

- Identifying education needs.
- Planning to serve educational needs.
- Adopting clearly defined written policies.
- Establishing specific performance objectives and accountability criteria to evaluate teaching, administrative and other staff performance.
- Utilizing techniques to measure and to assess student achievement.
- Interpreting and disseminating the results of all programs.

3.3—Diversity and Flexibility—School boards should strive to recognize the special needs of and develop programs for every child. This includes the child who is talented academically, artistically, vocationally, athletically, or who is physically or mentally handicapped; educationally or economically deprived; or who has language, racial or cultural differences. Each school district should include in its programs recognition of the cultures that make up our society and, through teaching about those cultures, afford value and dignity to each student. Educational programs should assure that non-English-speaking children have access to quality education.

3.4—Quality Integrated Education—NSBA endorses the concept that education for participation in a complex, racially integrated society requires local and state officials to take positive action to provide and maintain a quality integrated educational experience. NSBA urges local boards to seek positive support for desegregation. Local school boards are encouraged to ensure that local control is preserved in the process of desegregation. Necessary means to achieve quality integrated education can best be devised by local boards of education. Funds should be made available by federal and state governments to local boards to carry out plans that meet these needs.

3.5—Local Community Programs—School boards should be an integral part of the planning and development of local community programs that affect the health and welfare of children.

3.6—Educational Program Planning—Educational priorities are best determined at the local level. School boards should assume the leadership role in the overall planning process, consulting with individuals and groups affected by the policies, and with the community at large. Evaluation data should be studied for their potential contribution to planning.

ARTICLE III
FEDERAL ASSISTANCE TO EDUCATION

Section 1—Philosophy of Federal Role in Education

There exist in education nationwide concerns which transcend the boundaries of local school districts and states. Among such concerns are the health of the national economy, the elimination of widespread disparity in educational opportunities for all children, and the intelligent participation in the democratic process by all citizens. The Congress has, therefore, enacted legislation designed to promote the national interests in education, as it has done in other areas of national concern.

Section 2—The Federal Grants-in-Aid Program

The increased mobility of our population, and the increased dependency upon education for national success and progress require that sources of revenue for the support of public education be more broadly based. Therefore, specific federal legislation should recognize:

A. The responsibility of the federal government to provide support of elementary and secondary education through general aid.

B. The value of supplemental special needs programs that speak to legitimate areas of unique federal responsibility and overriding problems of national concern.

C. The need to distribute funds on an equitable basis with primary responsibility for expenditure determination to rest with local school districts.

D. That procedures should be developed by local school districts to ensure accountability and effective use of federal tax dollars to improve educational results with all children.

E. The need to establish limits to the regulatory authority of the Department of Education in order to preserve the local control of the public schools.

2.1—State and Local Control in Administering Federal Programs—State and local control and accountability in administering federal programs should be protected as follows:

2.1.1—Distribution of Federal Aid to Education—Any federal funding allocated to the state level should be administered by the state agency through local school boards in accordance with state policy and without restrictions other than simple accounting of receipts and disbursements.

2.1.2—Federal Programs and Local Authority—Any federal program involving education should be under authority of the local educational agency as defined in federal law and wherever possible should avoid development of other agencies that divert funds from and disrupt public elementary and secondary school systems.

Section 3—Federal Responsiveness to State and Local Educational Needs

In order to ensure that the federal government is responsive to state and local education needs, and that other nationwide education needs are fulfilled, NSBA recommends the following:

3.1—School Board Control of Education—The President and the Congress should include representative school board members in appointments to every federal commission, advisory committee, or other body that in any way directly or indirectly affects the development of educational policy, funding, regulations and guidelines. State officials and local government officials should include representative school board members in appointments to every commission, advisory committee, or other body that in any way directly or indirectly affects the development of educational policy, funding, regulations and guidelines.

3.2—Functions of Department of Education—The Department of Education should serve the functions of: (A) a clearinghouse to coordinate national education information; (B) appraising the educational scene and reporting findings to interested agencies; (C) entering into educational research programs with qualified profit and nonprofit organizations; (D) providing safeguards against federal control of curricula in American schools; (E) offering consultative services to the states and local school districts; (F) coordinating international educational activities in which the U.S. Government is interested; and (G) coordinating educational programs of all federal agencies.

3.3—Urban Education Concerns—NSBA recognizes that urban centers are faced with practical and unique problems of educational concern and financial stress. The large concentration of children with low achievement and the high cost of remedial education create an added burden on the local district, the solution to which requires direct funding from federal and state sources.

3.4—Education in Rural and Isolated Districts—NSBA recognizes the special needs and concerns of the rural, isolated and small districts and urges the President and Congress to be aware of the problems confronting such districts in fashioning any education legislation. NSBA and state school boards associations should review their own programs and search for new ways to help rural, isolated and small school districts. NSBA and state school boards associations should make every effort to work with educational and other associations and agencies in dealing with the needs of such districts.

ARTICLE IV
THE EDUCATIONAL PROGRAM

Local school boards, in the exercise of their legal responsibilities, prerogatives and discretion should establish school system goals and priorities, assure adequate planning, design and implement educational programs, and evaluate the effectiveness of those programs.

Section 1—Student-Oriented Curriculum

1.1—Curriculum and Educational Opportunities—Curriculum offerings should be broad enough to make available to all students an educational opportunity that takes into consideration their needs, ability, and cultural and socio-economic background.

1.2—Counseling and Guidance Services—Adequate counseling and guidance services should be provided to every student.

1.3—Instructional Materials—School boards should develop policy for the selection, retention and use of reading and instructional materials. While ultimate responsibility for the selection of these materials resides with school boards, the advice of staff, parents and students should be sought.

1.4—Controversial Issues—A balanced presentation should be offered of factual materials relating to both sides of any controversial issue of local, state, national and international importance.

1.5—Equal Educational Opportunities—Local school boards must remove barriers that prevent children, because of their race, ethnic backgrounds, or socio-economic status, from full access to educational opportunities which are provided at public expense.

1.6—Adult and Early Childhood Programs—While school boards' primary responsibility is to the general education of all students, K-12, where adults or young children might well be served and resources permit, facilities and programs should be provided to serve the needs and talents of these other students also.

1.7—Safety—School boards should develop policies and programs which will lead to an educational climate in which students have a safe place to learn. Through instruction, staff training, student government, school security and other policies and strategies, schools should combat crime, violence, drugs, harmful substances, alcohol and other dangers. In addition to school-based efforts, school officials should develop strong liaison with parents and law enforcement, judicial and other appropriate community agencies for the prevention and reduction of crime in the schools.

Section 2—The Public School—A Community Service

2.1—Public Support of Education—In order to improve public education, NSBA urges: (A) support for equitable tax reform; (B) opposition to the use of public revenues for financing non-public elementary and secondary schools; (C) opposition to the use of the voucher system as a method of non-public school financing with public funds; (D) opposition to tax credits for expenditures for tuition or living expenses at any elementary and/or secondary educational institution.

2.2—Community Use of Public School Facilities—Public school facilities should be used as community centers for the integration of the American community and the encouragement of family participation in wholesome character-building activities conducive to good citizenship. State school boards associations should initiate legislation, when necessary, to authorize the wider use of public school facilities for community purposes under provisions which give to local boards the authority to determine, regulate and maintain such programs.

2.3—Teaching about Public Education—Students should learn about the free public school system, its structure, and the services it offers as one of the important institutions of our society. Students should learn about school boards as a form of representative government.

2.4—Universal Secondary Education—Every effort should be made to facilitate and encourage all youth to complete at least a high school or other appropriate twelve-year educational program.

ARTICLE V
RELATIONSHIPS WITH SCHOOL BOARDS AND STATE SCHOOL BOARDS ASSOCIATIONS

The National School Boards Association commits itself to the principles of working with member state and territorial associations and with local school boards with an objective of strengthening the effectiveness of local boards through education, collective action, and self help. The Association, therefore, supports the following:

Section 1—Support of School Boards Associations

School board members should be encouraged to attend meetings sponsored by the national, state and territorial associations. The expense of supporting school boards associations and attending meetings should be recognized as an appropriate district expense.

Section 2—Contact with Congress

The National School Boards Association recognizes that it is the right and duty of each individual state school boards association and local school board to express to its representatives in the Congress of the United States the positions of the National Association and its own position, with regard to educational issues, even if the two positions are different. However, it is the obligation of the state school boards association and local school districts to keep the National Association informed when they actively pursue a position which differs from the position of the National Association.

ARTICLE VI
RELATIONSHIPS WITH OTHER GROUPS

Section 1—School Boards Bear Ultimate Responsibility for Public Education

The National School Boards Association believes that school boards should seek relationships with other groups knowledgeable in, and/or representative of, the interests served or involved with education. In these relationships, however, school boards should give paramount consideration to the needs of public education and to their obligation to the electorate to make final educational determinations.

Section 2—Development of Public Policy on Education

In recognition of the fact that a number of voluntary and governmental agencies at the local, state and national level play an important role in the establishment of public educational policy, the Association supports cooperative efforts to establish forums which will represent various interests and points of view, and thus contribute to the development of sound public policy with regard to education. The Association further endorses the transmission of the findings and suggestions created in these forums to the President and Congress and appropriate federal agencies, as well as state legislatures and the general public.

Section 3—Other Groups

3.1—Cooperation with Lay and Professional Groups—The National School Boards Association advocates that full and active cooperation be maintained with all lay and professional groups sincerely working for the advancement of public education.

3.2—Relationship with the National Association of State Boards of Education—NASBE—NSBA and the National Association of State Boards of Education (NASBE) share a common commitment to lay governance of the public schools. The relationship between NSBA and NASBE should be characterized by cooperation and coordination. NSBA encourages state school board associations, local school boards, and state boards of education to communicate effectively and work closely with each other to attain their mutual goals of quality education through lay governance.

3.3—Special Relationship with the American Association of School Administrators—NSBA and AASA share a common commitment to lay governance and effective administration of public schools throughout the country. The special relationship between NSBA and AASA should be characterized by cooperation and coordination. NSBA encourages state school boards associations, state administrators associations, local school boards and school district superintendents to communicate and work together to attain their mutual goals of high quality education for all students.

Adopted by NSBA Delegate Assembly on April 10, 1973, Anaheim, California.

Amended Article III, Sections 1 and 1.5 on April 9, 1974, Houston, Texas.

Amended Article I, Section 2.3 on April 21, 1975, Miami Beach, Florida.

Amended Article I, Section 2.1; Article II, Sections 1.2, 2.2.2 and 3; Article III, Sections 1, 1.1, 2.1, 2.2, 2.3, and 2.4 on April 12, 1976, San Francisco, California.

Amended Article I, Section 1.1; Article II, Sections 2, 2.1, 2.1.1, 2.2.2 and 3.2; Article III, Sections 1.1, 2.1, 2.3, 2.4, and 2.5 on March 28, 1977, Houston, Texas.

Amended Preamble; redesignated Article II as Article III and Article III as Article II; amended Article II, Sections 1.4 and 2.1, and Article III, Section 3.1 on April 3, 1978, Anaheim, California.

Amended Preamble; amended Article I, Section 1.4; Article II, Section 2.4; Article III, Sections 2 and 2.1 on April 24, 1979, Miami Beach, Florida.

Amended Article II, Sections 1.1, 2.1, 2.4, 2.5, 3.1, 3.2, 3.3, 3.5; Article III, 3.3, 3.4; Article IV, Preamble, 1.5, 1.6, 1.7, 2.2; Article V, Section 1; Article VI, Section 2, and added 3.2 on April 21, 1980, San Francisco, California.

Amended Mission and Goals; amended Article I, Section 1.4; amended Article II, Section 2.4; added new 3.1; redesignated 3.1 as 3.2, 3.2 as 3.3, 3.3 as 3.4, 3.4 as 3.5, 3.5 as 3.6; amended 3.2, 3.3, 3.5, 3.6; amended Article III, Sections 2, 2.1.2, 3.2; amended Article IV, Section 1.7; added new 2.1; redesignated 2.1 as 2.2, 2.2 as 2.3, 2.3 as 2.4; amended Article VI, Section 1 on April 13, 1981, Dallas, Texas.

Amended Article II, Sections 2.1, 3.2 and 3.4; added new Section 2.2; redesignated 2.2 as 2.3, 2.3 as 2.4, 2.4 as 2.5, 2.5 as 2.6; amended Article IV, Section 1.3; added new Article VI, Section 3.3 on April 19, 1982, Atlanta, Georgia.

CONSTITUTION AND BYLAWS OF THE NATIONAL SCHOOL BOARDS ASSOCIATION

WASHINGTON, D.C.

ARTICLE I—NAME

The name of this organization shall be the National School Boards Association, hereinafter referred to as the Association.

ARTICLE II—PURPOSES

The purposes of this Association shall be:

1. To promote the general advancement of education.

2. To encourage the most efficient and effective organization and administration of the public schools.

3. To encourage the establishment and maintenance of high standards in the conduct and operation of the educational enterprise.

4. To work for the adequate and equitable financial support of the public schools.

5. To study and interpret educational programs and to relate them to the needs of pupils.

6. To promote public understanding of the role of school boards and school board members in the improvement of education.

7. To act as a clearinghouse for the dissemination of pertinent data relating to all aspects of public education and to establish appropriate material and publications for such purpose.

8. To conduct, independently or in cooperation with others, seminars, conferences, courses and research projects in the various aspects of education.

9. To study and interpret legislation proposed in Congress that may affect education and to take appropriate means to disseminate such knowledge and information.

10. To endeavor to implement the Policies, Beliefs, and Resolutions of the Association.

11. To do such other things as the Delegate Assembly or the Board of Directors may deem appropriate for the accomplishment of these and other purposes which tend to improve public education.

ARTICLE III—MEMBERS AND AFFILIATES

Section 1. *Active Members.*

Active members shall be state associations of school boards which have been approved for membership by the Delegate Assembly. State associations include associations of public school boards, the public board of education of those states which have only a single board of education, and the boards of the District of Columbia and of the offshore flag areas of the United States. As hereafter used in the Constitution and Bylaws, "school board" includes not only members of state associations, but also the public board of education of those states which have only a single board of education, and the boards of the District of Columbia and of the offshore flag areas of the United States.

Section 2. *Classes of Affiliates.*

The Affiliates category shall consist of five classes:

A. Direct Affiliates
B. Organization Affiliates
C. Sustaining Affiliates
D. Foundation Affiliates
E. Federal Affiliates

Section 3. *Direct Affiliates.*

Any school board that is a member of an Active Member and has paid current annual fees for specially designated legislative-information services from the National School Boards Association may apply to the Board of Directors for classification as a Direct Affiliate. Subscriptions to said legislative-information services shall be made available only to school districts which are members in good standing of an Active Member. Community college boards and other public boards of education may apply for classification as a Direct Affiliate or may subscribe to services where membership in an Active Member is not available to the applicant.

Section 4. *Organization Affiliates.*

Any corporation or organization which pays annual charges and meets such other conditions as may be determined by the Board of Directors may apply for classification as an Organization Affiliate.

Section 5. *Sustaining Affiliates.*

Any person who pays annual charges and meets such other conditions as may be determined by the Board of Directors may apply for classification as a Sustaining Affiliate.

Section 6. *Foundation Affiliates.*

Foundation Affiliate status may be conferred upon individuals, corporations and organizations upon such conditions as may be determined by the Board of Directors.

Section 7. *Federal Affiliates.*

Any governing board, or any advisory board to the governing authority of a school or organized group of schools that has no governing board, may apply to the Board of Directors for Federal Affiliate status if the schools over which it has jurisdiction are operated as part of the federal government. Membership in good standing is a prerequisite for Federal Affiliate status provided that membership is open to the Board under the membership policies of the state association. Federal Affiliates cannot submit recommendations for nominations for NSBA officers and directors.

Section 8. *Application for Membership and Affiliation.*

The following procedures for submitting applications for membership and Affiliate classification shall be followed:

a) Applications for new or reinstated Active Membership shall be submitted to the Board of Directors in such form and accompanied by such supporting documents as the Board of Directors may determine.

b) Applications for Affiliate classification shall be submitted to the Board of Directors in such form and accompanied by such supporting documents as the Board of Directors may determine.

Section 9. *Suspension.*

a) Any Active Member whose dues are ninety days past due shall be suspended and all privileges of membership suspended except as hereinafter provided. Members suspended for non-payment of dues may be reinstated by the Board of Directors at any time upon payment of the current year's dues.

b) Any Affiliate whose fees or charges are sixty days past due shall be suspended and all privileges of affiliation suspended. Affiliates suspended for non-payment of fees or charges may be reinstated by the Board of Directors at any time upon payment of the current money due.

Section 10. *Termination.*

a) An Active Membership may be terminated only upon the recommendation adopted by a two-thirds vote of the Board of Directors present at a Directors' meeting at which the reasons for termination are considered and when such recommendation is ratified by a majority of the Delegate Assembly present and voting.

b) The Affiliate status of any individual or organization may be withdrawn for any reason which the Board of Directors deems adequate. Such withdrawal shall take effect upon a two-thirds vote of the Board of Directors present at a Directors' meeting at which the reasons for withdrawal are considered.

ARTICLE IV—DUES, FEES AND CHARGES

Section 1. *Annual Dues.*

a) Active Members shall pay such annual dues as are approved by the Delegate Assembly.

b) Each Active Member's annual dues are to be based on (1) that Member's current expenditures for elementary and secondary day schools as last reported by the U.S. Department of Education prior to the start of the dues year for the Association, or (2) Active Member's revenues, or (3) a combination thereof.

c) A statement of dues shall be mailed to each Active Member on or before the first day of the dues year. Dues will be due and payable thirty days after the first day of the dues year.

d) In unusual circumstances, an Active Member may request that the Board of Directors modify the time of that Member's dues payment to allow partial payment when billed and the balance to be paid at a later date within the dues year. Such modification request shall be submitted to the Board of Directors in writing at least thirty days prior to the first day of the dues year, and the Board of Directors shall advise the Active Member of the action taken by it within thirty days following the first day of the dues year.

Section 2. *Charges.*

a) Each Active Member and Affiliate shall pay such charges for meetings, services and activities, and such other charges for material as may be determined by the Board of Directors.

b) Charges for meetings, services, activities and materials of specific councils and divisions of the Association may be set by such council and division subject to the approval of the Board of Directors.

ARTICLE V—DELEGATE ASSEMBLY

Section 1. *Policy-Making Body.*
The policy-making body of the Association shall be known as the Delegate Assembly.

Section 2. *Power of the Delegate Assembly.*
The Delegate Assembly:
a) Shall elect the elective officers of the Association and the directors of the Board of Directors as herein provided.
b) Shall adopt rules of procedure for the conduct of meetings of the Delegate Assembly.
c) May request to hear reports of committees of the Association.
d) May adopt Beliefs and Policies and Resolutions pertinent to the purposes and objectives of the Association.
e) May adopt amendments to this Constitution and Bylaws as herein provided.
f) May delegate to the Board of Directors any of its powers except those of the election of elective officers and directors of the Board of Directors, the adoption of amendments to this Constitution and Bylaws, the termination of Active Memberships, and the adoption of Beliefs and Policies and Resolutions of the Association.

Section 3. *Composition.*
a) The Delegate Assembly shall consist of voting delegates who shall be entitled to one vote each and delegates *ex officio* entitled to the right of expression but no vote.
b) A voting delegate shall be a school board member and shall not be employed as staff by an Active Member.
c) Each Active Member shall designate one voting delegate for a term of one year, one voting delegate for a term of two years, and additional voting delegates to serve a term of two years on the basis of the following formula:

Full-Time Pupils Enrolled in Public Elementary and Secondary Day Schools in Districts in the Active Member's State or Area.	The Additional Voting Delegates
Under 300,000	0
300,001 to 1,500,000	1
1,500,001 to 2,500,000	2
2,500,001 or more	3

d) If at least 10 percent of the aggregate number of persons in a state or area represented by an Active Member is of one or more national racial minority, the Active Member shall designate that at least one of any additional delegates for which that Active Member may qualify shall be a school board member of a national racial minority.
e) Each Active Member may designate for each voting delegate one alternate delegate who may serve in the absence of any voting delegate of such member, but who shall otherwise have no voice or vote.
f) Members of the Board of Directors who are not serving as voting delegates shall be delegates *ex officio*.
g) In the event a state is not represented by an Active Member, the Board of Directors of the Association may appoint one voting delegate from that state to serve for a period of one year.

Section 4. *Certification of Delegates.*
The Executive Director shall notify Active Members of the number of voting delegates to which they are entitled and the date before which certification of delegates must be made. The officials of Active Members shall certify to the Executive Director and the President of the Association the names of their voting delegates and alternates before the designated deadline for such certification.

Section 5. *Meeting.*
a) The Delegate Assembly shall hold at least one meeting annually in conjunction with the Annual Meeting of the Association.
b) The Delegate Assembly may hold additional meetings on reasonable notice, upon call of the President or by a majority of the Board of Directors, at such places as the President or the Board of Directors may designate. Any ten (10) or more Active Members, not more than three (3) from any one Region, may petition for additional meetings of the Delegate Assembly. This petition must be forwarded by registered or certified mail to the NSBA President, who shall circulate it to all Active Members. If two-thirds or more of the Active Members concur with the call for an additional meeting as set forth in the petition, the President shall schedule the meeting of the Delegate Assembly.
c) The agenda for meetings of the Delegate Assembly shall be prepared by the Board of Directors.
d) Copies of the agenda shall be mailed by the Executive Director to each voting delegate and alternate delegate at least ten days before the date of such meeting of the Delegate Assembly.
e) The first order of the agenda of each meeting following a call to order will be prayer asking for divine guidance in all deliberations of the Delegate Assembly.

Section 6. *Delegate Assembly Vote.*
a) A voting delegate shall have the right to one vote on any issue before any meeting of the Delegate Assembly, if present in the meeting when the vote is taken.
b) A quorum shall consist of one-fourth of the full voting strength of the Delegate Assembly, provided that at least one-half of the Active Members are represented by one or more delegates. No delegate shall vote by proxy.

Section 7. *Officers of the Delegate Assembly.*
The Officers of the Delegate Assembly shall be a President and a Secretary. The President and the Executive Director of the Association shall serve as the President and the Secretary respectively of the Delegate Assembly. The President may appoint such other officers as needed.

Section 8. *Policy Development.*
a) Proposed Beliefs and Policies or changes in the Beliefs and Policies of the Association shall be submitted by December 20 to a committee to be created by the Board of Directors for that purpose, except that the committee may at a meeting develop its own recommended Beliefs and Policies. Proposed Beliefs and Policies may be submitted by Active Members, by the Board of Directors of the Association, by governing bodies of the Regions, by Steering Committees of Councils, by Direct Affiliates with the approval of their respective Active Member, by delegates to the Delegate Assembly, or by the committee created to consider such proposals.
b) The committee created to consider Beliefs and Policies shall study all proposals received and shall prepare a report of its recommendations. Such report shall be distributed to the members of the Delegate Assembly no later than thirty days in advance of the first business session of the Delegate Assembly. The committee may amend its report, and these amendments, in whole or in part, may be voted upon after oral or written notice of at least 24 hours prior to Delegate Assembly action on these amendments. Any portion of the report which was not amended by the committee may be considered at any business session.
c) Proposed Beliefs and Policies and changes in the Beliefs and Policies which are not submitted as provided for in this section shall not be considered by the Delegate Assembly unless two-thirds of the delegates present and voting elect to suspend these rules to consider such late proposals.
d) The adoption of any new Belief and Policy, or the adoption of any change in or addition to any existing Belief and Policy, shall require a two-thirds vote of the delegates present and voting.

Section 9. *Resolutions.*
a) Proposed Resolutions to the Delegate Assembly must be submitted in writing by December 20 to a committee to be created for that purpose by the Board of Directors, except that the committee may at a meeting develop its own recommended Resolutions. Resolutions may be submitted by Active Members, by the Board of Directors of the Association, by governing bodies of the Regions, by Steering Committees of Councils, by Direct Affiliates with the approval of their respective Active Member, by delegates to the Delegate Assembly, or by the committee created to consider such proposals.
b) The committee created to consider Resolutions shall study all proposals received and shall prepare a report of its recommendations. Such report shall be distributed to the members of the Delegate Assembly no later than 30 days in advance of the first business session of the Delegate Assembly. The committee may amend its report and these amendments, in whole or in part, may be voted upon after oral or written notice of at least 24 hours prior to Delegate Assembly action on these amendments. Any portion of the report which was not amended by the committee may be considered at any business session.
c) Proposed Resolutions which are not submitted as provided for in this section shall not be considered by the Delegate Assembly unless two-thirds of the delegates present and voting elect to suspend these rules to consider such late proposals.

Section 10. *Active Member Dues.*
a) Proposals relating to Active Member dues must be submitted in writing by registered or certified mail and postmarked no later than December 26 to the NSBA Board of Directors. Upon receipt of an Active Member dues proposal, the President shall appoint a special committee to consider Active Member dues. Dues proposals may be submitted by an Active Member, by the Board of Directors of the Association, by governing bodies of the Regions, by delegates to the Delegate Assembly, or by the committee created to consider such proposals.
b) The committee created to consider Active Member dues shall study all proposals received and shall prepare a report of its recommendations. Such report shall be distributed to the members of the Delegate Assembly no later than thirty days in advance of the first business session designated by the Board of Directors for voting on Active Member dues by the Delegate Assembly.
c) The adoption of Active Member dues shall be by a simple majority of delegates present and voting at the Delegate Assembly.
d) Once adopted by the Delegate Assembly, the dues formula shall continue until such time as it may be changed by the Delegate Assembly.

ARTICLE VI—BOARD OF DIRECTORS

Section 1. *Election and Duties.*
The Delegate Assembly shall elect the membership of the Board of Directors, which shall have supervision, control and direction of the affairs of the Association within the limits of and consistent with the Beliefs and Policies promulgated by the Delegate Assembly and this Constitution and Bylaws. Within these limits, the Board of Directors shall actively promote the purposes of the Association; shall adopt the Association's budget; shall have discretion in the disbursement of the Association's funds; shall adopt rules and regulations governing the conduct of all committees established in this Constitution and Bylaws or created by the Board of Directors; shall adopt such rules and regulations for the conduct of its business as it shall deem advisable; and may, in the execution of its powers, appoint such agents as it may consider necessary.

Section 2. *Composition.*
The Board of Directors shall be composed of the four elected officers, the Immediate Past President and fifteen other members selected on the basis of three from each Region. At least three members of the Board of Directors should be school board members from cities with a population of 200,000 or more, and both the Board of Directors in filling vacancies and the Nominating Committee in making nominations shall insofar as possible effect this result. The Executive Director shall be an *ex officio* member of the Board of Directors without voting rights. The Board of Directors may appoint other *ex officio* members of the Board without voting rights.

Section 3. *Membership Requirements.*
Each voting member of the Board of Directors at the time of election shall be a member of a school board belonging to an Active Member and shall not be employed as a staff member of any state association of school boards.

Section 4. *Duration of Office.*
a) Each Director shall be elected for a term of three years and shall serve until a successor has been elected. The term of each Director shall begin at the close of the Delegate Assembly meeting at the Annual Meeting of the Association at which elected.
b) The fifteen Directors shall be divided into three classes of five Directors each, determined by the expiration of their term of office, one class of Directors to be elected each year.
c) No Director shall serve more than two consecutive full terms.
d) A member of the Board of Directors may resign upon presenting a written resignation to the President of the Association, and the resignation shall become effective upon acceptance by the Board of Directors.

Section 5. *Meetings.*
a) The Board of Directors shall hold at least two meetings annually at such time and place as determined by the President and Executive Director. Additional meetings of the Board of Directors may be called by the President or by the written request of a majority of the members of the Board of Directors, provided that a written notice is sent to each member of the Board of Directors ten days prior to the meeting.
b) Where the President deems it urgent and necessary, the Board of Directors may hold a special meeting via conference call, provided that all members of the Board are notified at least 72 hours prior to the call, stating the time of the conference call and the purpose of the special meeting.

Section 6. *Quorum and Voting.*
a) A quorum shall consist of one-half of the full voting membership of the Board of Directors except for conference call meetings, wherein a quorum shall consist of two-thirds of the full voting membership of the Board.
b) Unless otherwise specifically provided by this Constitution and Bylaws, a majority vote shall govern. NO member shall vote by proxy.
c) The President may request action by the Board between meetings of the Board by mail ballot. Action taken by mail ballot by a majority of all voting members of the Board of Directors shall constitute a valid action and shall be reported at the next meeting of the Board.

Section 7. *Vacancies.*
a) Vacancies on the Board of Directors among the fifteen directorships not held by the officers or by the Immediate Past President, which occur between the meetings of the Delegate Assembly at the Annual Meeting of the Association and prior to October 1, shall be filled by appointment by the Board of Directors. Such appointment shall be effective only until the next meeting of the Del-

egate Assembly at the Annual Meeting of the Association, at which meeting the vacancy shall be filled by the Delegate Assembly.

b) Any member of the Board of Directors who ceases to be a member of a school board may continue in office until the next meeting of the Delegate Assembly at the Annual Meeting of the Association, at which time the unexpired term, if any, shall be filled by election by the Delegate Assembly.

ARTICLE VII—EXECUTIVE COMMITTEE

Section 1. *Function.*

There shall be an Executive Committee which shall be responsible for administering the property, funds and business affairs of the Association. The Executive Committee shall have and exercise all powers and authority granted by the Board of Directors.

Section 2. *Composition.*

The Executive Committee shall be composed of the Association's President, First Vice President, Second Vice President, Secretary-Treasurer, Immediate Past President, and two additional members elected by the Board of Directors from its membership. The Executive Director shall be an *ex officio* member without voting rights.

Section 3. *Duration of Office.*

The term of each officer member of the Executive Committee shall be concurrent with the term of that office. The term of each additional member shall be from the date of election to the last day of the next meeting of the Delegate Assembly at the Annual Meeting of the Association or until a successor is elected.

Section 4. *Responsibility.*

a) The Executive Committee shall have the powers of the Board of Directors between meetings of the Board to the extent provided by resolution of the Board of Directors.

b) The Executive Committee shall recommend the appointment and compensation of the Executive Director to the Board of Directors.

c) The Executive Committee may establish such other executive staff and consulting positions and their salary ranges as may be required subject to the approval of the Board of Directors.

Section 5. *Chairman.*

The President of the Association shall serve as Chairman of the Executive Committee.

Section 6. *Meetings.*

The Executive Committee shall hold not fewer than two meetings annually at as regular intervals as possible and may hold additional meetings, upon reasonable notice, on the call of the President or upon written request of any three members of the Executive Committee. At any meeting of the Executive Committee, four voting members shall constitute a quorum for the transaction of business. Action taken by the Executive Committee shall require a majority vote of four or more.

Section 7. *Voting.*

The President may initiate conference telephone calls of the Executive Committee between meetings of the Executive Committee.

a) The members of the Executive Committee may participate in any meetings by conference telephone call, and such participation shall constitute presence in person at such meeting.

b) The President may request action by the Executive Committee by mail ballot. Action taken by mail ballot by five members of the Executive Committee indicating agreement shall constitute a valid action and shall be reported at the next meeting of the Executive Committee.

Section 8. *Reports.*

The Executive Committee shall make a report to the Board of Directors at each meeting of the Board with respect to the general state of the Association and actions taken by it in the interim period between Board meetings.

ARTICLE VIII—OFFICERS

Section 1. *Titles.*

The elected officers of the Association shall be a President, a First Vice President, a Second Vice President, a Secretary-Treasurer. In addition there shall be an Assistant Secretary-Treasurer without vote, who shall be appointed.

Section 2. *Election, Qualifications and Term of Office.*

a) The elected officers of the Association shall be elected each year by the Delegate Assembly at the Annual Meeting of the Association for a term of one year. The term of office of each elected officer shall begin at the close of the Delegate Assembly meeting at the Annual Meeting of the Association at which the election took place, and the officer shall serve until a successor is elected. No elected officer shall serve for more than one full term in the same office, except the Secretary-Treasurer who may serve for no more than two consecutive terms.

b) An elected officer, at the time of election, shall be a member of a school board belonging to an Active Member and shall not be employed as a staff member of any state association of school boards.

Section 3. *Removal.*

Any person holding an elected office of the Association may be removed for good cause by a two-thirds vote of the Board of Directors present and voting, whenever in its judgment the best interests of the Association would be served thereby.

Section 4. *Vacancies.*

a) If there is a vacancy for any reason in the office of the President, the First Vice President shall succeed to the office immediately and shall have all the powers and perform all the duties of the office.

b) If there is a vacancy for any reason in the office of the First Vice President, the Second Vice President shall succeed to the office immediately and shall have all the powers and perform all the duties of the office.

c) If there is a vacancy for any reason in any office which cannot be filled by these provisions for succession to office, the Board of Directors shall appoint from its own membership an officer *pro tempore* to perform the duties of the vacated office until the office is filled by an election by the Delegate Assembly at the Annual Meeting of the Association.

Section 5. *President.*

It shall be the duty of the President to preside at all meetings of the Association and to perform all duties incident to the office of President and such other duties as may be prescribed from time to time by the Board of Directors.

Section 6. *Vice-Presidents.*

It shall be the duty of the Vice Presidents, in the order designated, to perform the duties of the President in the absence of the President, or in the event of the President's inability or refusal to act. The Vice Presidents when thus acting shall have the powers of and be subject to all restrictions placed upon the President. Any Vice President shall perform such other duties as from time to time may be assigned by the President or the Board of Directors.

Section 7. *Secretary-Treasurer.*

The Secretary-Treasurer shall have charge and custody of and be responsible for all funds and securities and financial records of the Association; shall keep the minutes of meetings of the Association and of the Board of Directors; shall see that all notices are duly given in accordance with the provisions of this Constitution and By-laws, or as required by law; shall be custodian of the corporate records and of the seal of the Association; and in general shall perform all duties incident to the office of Secretary-Treasurer, and such other duties as from time to time may be assigned by the President or by the Board of Directors.

Section 8. *Assistant Secretary-Treasurer.*

The Assistant Secretary-Treasurer shall act in the absence of the Secretary-Treasurer and shall perform such duties as may be assigned by the Secretary-Treasurer, the President, or the Board of Directors, or the Executive Committee.

ARTICLE IX—NOMINATIONS AND ELECTIONS

Section 1. *Nominating Committee.*

a) A Nominating Committee for the nomination of officers and directors of the Association shall be composed of fifteen members—three from each of the five Regions.

b) Ten members of the Nominating Committee shall be chosen in the following manner: each of the five Regions shall, at a regularly scheduled Regional Meeting or at a separate caucus held at the Annual Meeting of the Delegate Assembly, elect two qualified school board members and two alternates to serve on the Nominating Committee for the following year. Five members—one from each of the five Regions—shall be named by the President of the Association from a list composed of one nominee selected by each of the state associations from its membership. The NSBA President's slate of appointees shall attempt to assure that the total membership of the committee will reflect the racial, ethnic, and cultural diversity of school boards in America. In the event all of the state associations in any one Region shall fail by the first day of July following the Annual Meeting to recommend candidates for appointment to the Nominating Committee, the President shall appoint a member for that Region.

c) The Immediate Past President of the Association shall be the *ex officio* chairman of the Nominating Committee and shall vote in case of a tie. A quorum shall consist of eight voting members of the committee, at least four of whom shall be from four different Regions.

d) A member of the Nominating Committee shall not hold national elective office in the Association at the time of election or appointment to the Nominating Committee, nor shall a member of the Nominating Committee be eligible to be a nominee as a member of the NSBA Board of Directors or nominee for any NSBA officer position. Each member or alternate of the Nominating Committee shall be, at the time of election or appointment to the Nominating Committee or election as an alternate, a member of a school board belonging to an Active Member and shall not be employed as a staff member of any state association of school boards.

Section 2. *Nominations and Elections.*

a) Recommendations for nominees for NSBA officers and directors must be submitted to the Nominating Committee by registered or certified mail and postmarked no later than November 1 prior to the first day of the meeting of the Delegate Assembly. Recommendations may only be submitted by Active Members, by local school boards through, and with the approval of, their respective Active Member or by official action of the Region.

b) Duties of Nominating Committee. The Nominating Committee shall meet at least 75 days prior to the Delegate Assembly meeting at the Annual Meeting of the Association and shall nominate one or more nominees for offices to be filled and report the committee's nomination to the President and the Executive Director.

Section 3. *Preparation of the Slate of Nominees.*

a) The Executive Director shall transmit to the Active Members and the delegates of the Delegate Assembly the slate of nominees for offices to be filled as presented by the Nominating Committee together with pertinent biographical information for each nominee at least sixty days prior to the Delegate Assembly meeting at the Annual Meeting of the Association.

b) In the event a nominee becomes unable to serve, the Nominating Committee, at the call of its chairman, shall select an alternate candidate and transmit to the Active Members and delegates of the Delegate Assembly a amended report as soon as feasible, but in no case later than a time immediately prior to the opening of the Delegate Assembly meeting at the Annual Meeting. The members of the Nominating Committee may participate in any meeting by conference telephone call or mail, and such participation shall constitute presence in person at such meeting.

c) In the event that a member of the NSBA Board of Directors whose term of office will not expire at an Annual Meeting nevertheless chooses to run from the floor of the Delegates Assembly at that meeting for an officer's position and if that Director successfully completes the requirements of Article IX, Section 3 (d) of the NSBA Constitution, the Nominating Committee may, at the call of its chairman, meet and select a candidate to fill the remainder of that board member's unexpired term should that person be successful in being elected an officer. The Nominating Committee shall transmit its amended report to the Active Members and delegates of the Delegate Assembly as soon as feasible, but in no case later than the close of the first meeting of the Delegate Assembly at the Annual Meeting. The members of the Nominating Committee may participate in a meeting by conference telephone call or mail, and such participation shall constitute presence in person at such meeting.

d) Any seven Active Members, not more than three of which are located in any one Region, shall have the privilege of nominating a candidate for each of the offices to be filled by preparing and disseminating to the President of the Association and to delegates a written nomination, together with pertinent biographical information and a signed letter from each nominee confirming willingness to serve. Such material shall be received by the President of the Association and by the delegates prior to the opening of the first session of the Delegate Assembly meeting at the Annual Meeting of the Association, and nominations shall be deemed closed at the opening of that session.

e) Following the closing of nominations, a ballot shall be prepared listing the names of all nominees under the office for which they have been nominated both by the Nominating Committee and by written petition of Active Members.

f) No individual shall be a candidate for more than one office.

Section 4. *Election Procedure.*

a) The Delegate Assembly shall elect the officers and directors of the Association at the Annual Meeting of the Association.

b) If there shall be two candidates for an office, the person receiving the largest number of votes shall be elected to such office. In the event there are three or more candidates

for an office, and if a majority vote of the delegates present and voting is not received by any candidate for such office, there shall be a run-off election between the two candidates receiving the largest number of votes.

ARTICLE X—MEETINGS AND VOTING

Section 1. *Annual Meeting of the Association.*

a) The Annual Meeting of the Association shall be held at such time and place as the Board of Directors may determine. Written notice of said meeting shall be given to all Active Members and Affiliates not fewer than thirty days prior to the date thereof.

b) Should the Board of Directors decide that unusual conditions make inadvisable the holding of an Annual Meeting of the Association, then a meeting of the Delegate Assembly shall be held in lieu thereof.

Section 2. *Special Meetings.*

Meetings other than the Annual Meeting of the Association may be held at such time and place as may be determined by the Board of Directors. Written notice of such meetings shall be given to all Active Members and Affiliates not fewer than thirty days prior to the date thereof.

Section 3. *Voting.*

At any meeting of the Association, only voting delegates shall have the right to vote, which vote shall be cast in person only. Voting by proxy shall not be permitted.

Section 4. *Parliamentary Guide.*

The latest published and released edition of *Robert's Rules of Order* shall be the official parliamentary guide for all business sessions when they are not in conflict with the Constitution and Bylaws or rules adopted by the Delegate Assembly and the Board of Directors.

ARTICLE XI—COMMITTEES

Section 1. *Appointment.*

The President, with the approval of the Board of Directors, shall appoint such standing or special committees as may be deemed advisable.

Section 2. *Constitution and Bylaws Committee.*

There shall be a Constitution and Bylaws Committee composed of three or more members appointed by the President from the Board of Directors. The Constitution and Bylaws Committee shall perform the duties assigned in this Constitution and Bylaws for amending the Constitution and Bylaws in addition to reviewing the Constitution and Bylaws and making recommendations to the Delegate Assembly.

Section 3. *Staff Liaison.*

The Executive Director shall assign staff personnel to provide liaison and assistance to the chairmen of committees in the operation of their respective committees.

ARTICLE XII—EXECUTIVE STAFF

Section 1. *Employment.*

There shall be an Executive Director whose appointment shall be recommended by the Executive Committee and approved by the Board of Directors.

Section 2. *Duties.*

a) The Executive Director shall manage, supervise and direct the operations of the Association within the authority delegated by the Executive Committee and the Board of Directors. The Executive Director shall be an ex officio member of the Delegate Assembly, Board of Directors, and Executive Committee, without voting rights.

b) Other executive staff and consulting personnel as may be hired shall undertake such duties, responsibilities and authority as may be delegated by the Executive Committee and the Board of Directors, and shall be responsible to the Executive Director. The Executive Director is authorized to hire, supervise and discharge such personnel.

c) The Secretary-Treasurer of the Association, with the approval of the Executive Committee, may delegate any duties of that office, except the right to vote, to the Assistant Secretary-Treasurer, provided that the Secretary-Treasurer will continue to be responsible for the supervision and proper performance thereof.

d) The Executive Director shall serve as the Assistant Secretary-Treasurer of the Association and shall perform all of the duties incident to that office.

ARTICLE XIII—FISCAL AND LEGAL PROCEDURES

Section 1. *Fiscal and Dues Year.*

The fiscal and dues year of the Association shall be fixed by the Board of Directors.

Section 2. *Executive Committee Authority.*

The Executive Committee may, with approval of the Board of Directors, receive by devise, bequest, donation, or otherwise either real or personal property, or both, and hold the same absolutely or in trust, and invest, reinvest, and manage the same, and apply said property and the income arising therefrom to the purposes of the Association. The Executive Committee, with approval of the Board of Directors, shall also have the power to allocate funds for carrying out the purposes of the Association.

Section 3. *Annual Budget.*

The Executive Committee shall recommend a budget to the Board of Directors each fiscal year.

Section 4. *Non-Compensation.*

No member of the Board of Directors acting in the capacity of an officer or director shall receive compensation for services rendered. Travel expenses personally incurred by Board members in attending to the business of the Association shall be paid by the Association, in accordance with rules and procedures adopted by the Board.

Section 5. *Contracts.*

Except as otherwise provided in this Constitution and Bylaws, the Executive Committee, with approval of the Board of Directors, may authorize any officer or officers, or agent or agents, to enter into contracts and to execute or draw any instruments on behalf of the Association.

Section 6. *Loans.*

No loan shall be contracted on behalf of the Association, and no negotiable paper other than checks shall be issued in its name, unless and except as authorized by the Executive Committee.

Section 7. *Deposits.*

a) All funds of the Association shall be deposited to the credit of the Association in such depositories as the Executive Committee may select, or as may be selected by an officer or officers, or agent or agents, delegated by the Executive Committee.

b) All funds of the Association, except for investment accounts, shall be in depositories covered by the Federal Deposit Insurance Corporation and shall be withdrawn according to procedures specified by the Executive Committee.

Section 8. *Income.*

All income for the Association shall be collected by such officer or officers, or agent or agents, as the Executive Committee may designate for that purpose.

Section 9. *Checks, Drafts, Etc.*

All bills, drafts, acceptances, checks, endorsements, or other evidence of indebtedness shall be signed by such officer or officers, or agent or agents of the Association as the Executive Committee may by resolution provide.

Section 10. *Investments.*

Funds of the Association may be invested and reinvested in such manner and for such purposes as may be lawful and authorized by resolution of the Executive Committee.

Section 11. *Disposition of Surplus Funds.*

Any surplus in excess of normal operating requirements, and in excess of a reasonable reserve to be determined by the Executive Committee, shall be used to further the purposes of the Association. Recommendations for specific allocations of such funds shall be made to the Board of Directors by the Executive Committee.

Section 12. *Annual Financial Report.*

The Secretary-Treasurer shall provide to the Executive Committee and to the Board of Directors annually a report of all receipts and disbursements of Association funds. An Annual Financial Report shall subsequently be published by the Executive Committee.

Section 13. *Incurring Indebtedness.*

No Active Member, Affiliate, committee, committee member, Regional Governing Body, Council Executive Body, Officer, Director, or employee of the Association shall incur any indebtedness in the name of the Association or make any commitment involving the Association unless authorized to do so in writing by action of the Executive Committee.

Section 14. *Surety Bond.*

The Secretary-Treasurer, Executive Director, and other officers or agents of the Association as may be determined by the Executive Committee shall give and file with the Association a surety bond for the faithful performance of their duties in sums as may be fixed by the Executive Committee; the cost of said bonds shall be paid by the Association.

Section 15. *Legal Counsel.*

The Board of Directors may appoint Legal Counsel to act as general legal consultant and to advise in the legal affairs of the Association.

Section 16. *Audit.*

The Board of Directors shall appoint an independent certified public accountant to audit the financial records of the Association and submit an annual audit report.

ARTICLE XIV—LIMITATIONS OF LIABILITY

Section 1. *Limitation of Liability.*

Nothing herein shall constitute members of the Association as partners for any purpose. No member, officer, director, agent or employee of the Association shall be liable for the acts or failure to act on the part of any other member, officer, director, agent or employee of the Association, nor shall any member, officer, director, agent or employee be liable for his/her acts or failure to act under this Constitution and Bylaws excepting the acts or omissions to act arising from his/her willful misfeasance.

Section 2. *Indemnification.*

The Association shall indemnify and hold harmless each officer, director, agent, or employee from and against all claims and liability, whether the same are settled or proceed to judgment to which such person shall have become subject by reason of having acted in the capacity or capacities heretofore enumerated, or by reason of any action alleged to have been heretofore or hereafter taken or omitted in such capacity, and shall reimburse (to the extent not otherwise reimbursed) each such person for legal and other expenses, including the cost of settlement, reasonably incurred in connection with any such claim, liability, suit, action or proceeding; provided, however, that no such person shall be indemnified against or be reimbursed for any claims, liabilities, costs or expenses incurred in connection with any claims or liability or threat or prospect thereof based upon or arising out of personal willful misconduct, in the performance of duty. The rights accruing to any person under the provisions of this section shall not exclude any other right to which such person may be lawfully entitled nor shall anything herein contained restrict the right of the Association to indemnify or reimburse such person in any case, even though not specifically herein provided for.

ARTICLE XV—NSBA ORGANIZATION

Section 1. *Internal Operations.*

The Board of Directors may organize the Association in such a manner as it deems appropriate to conduct programs, activities and research of general or special interest in the various areas of education and to effect the purposes of the Association.

Section 2. *Subscribers and Affiliates.*

The Board of Directors may establish rules and policies regarding the participation of Active Members, school boards, organizations, firms and individuals to receive services, materials and publications. The Board of Directors shall determine the fees and charges that may be required to be paid by such subscribers and affiliates to receive the services of the divisions and their sections and departments.

Section 3. *Division Management-Type Committees.*

The Board of Directors may appoint management-type committees for divisions that may be established for the purpose of providing advisory assistance and guidance to executive staff personnel of the Association, and for the purpose of providing communication and coordination with the Executive Director, the Executive Committee, and the Board of Directors.

ARTICLE XVI—COUNCILS

Section 1. *Formation of Councils.*

The Board of Directors may create Councils whose purpose is to study various areas of public school activities and operations. The objective of the Councils within their specific area of concern will be to gather information, to develop recommendations and to take appropriate steps to implement recommendations.

Section 2. *Participation.*

The Board of Directors may determine who shall be eligible to participate in the activities of any Council that may be created.

Section 3. *Executive Groups.*

Each Council shall have a representative governing body of those individuals or groups that are participating in the Council. This governing body shall elect a steering committee to serve as the executive body of the Council. The President of the Association or the President's designated representative

shall be an *ex officio* member of each executive body. The Executive Director shall be an *ex officio* member without voting rights of each executive body.

Section 4. *Rules and Policies.*
The executive body of each Council shall, through its chairman, administer the business of the Council and be responsible for its programs, progress, activities, and shall establish rules, regulations and charges for the conduct of its meetings, provided that actions of the Council conform to the policies and rules established by the Board of Directors.

Section 5. *Finances.*
a) The Board of Directors may determine such fees and charges which may be required to operate and provide services for each Council and its participants through the Association's staff and facilities.
b) Each Council may establish rules regarding the maintenance of a registration admission or other charge therefore regarding the meetings and individual activities of the Council, provided that all such rules, charges and policies be in conformance with the policies and rules of the Board of Directors and that the amount of such charges shall be subject to approval of the Board of Directors.
c) All funds relating to the operation and activity of each Council shall be administered through the general funds of the Association and shall be governed by the provisions for the fiscal policy of the Association as contained in this Constitution and Bylaws, and as may be determined by the Board of Directors and the Executive Committee.

Section 6. *Meetings and Activities.*
Each Council may establish meetings and program activities in conformance with the policies and subject to the approval of the Board of Directors.

Section 7. *Staff Liaison.*
The Executive Director shall assign staff personnel to provide liaison and assistance in the operation of the Councils.

Section 8. *Dissolution.*
Any Council may be dissolved by action of the Board of Directors for good and sufficient reason.

ARTICLE XVII—REGIONS

Section 1. *Purposes of Regions.*
Regions shall be established for the purpose of effecting greater participation in the affairs of the Association and the Active Members, to improve communications and understanding of programs and issues in order to strengthen state associations and assist school boards in achieving their goal to improve public education and carry out the purposes of the Association.

Section 2. *Designation of Regions.*
There shall be five Regions composed of the following states, District of Columbia and offshore flag areas of the United States:
CENTRAL REGION
Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, Ohio and Wisconsin
WESTERN REGION
Colorado, Kansas, Montana, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota and Wyoming
PACIFIC REGION
Alaska, Arizona, California, Hawaii, Idaho, Nevada, Oregon, Utah and Washington
NORTHEAST REGION
Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont and Virgin Islands
SOUTHERN REGION
Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Texas, Virginia and West Virginia.

Section 3. *Establishment of Regional Organizations.*
a) Active Members and Direct Affiliates located in the geographical area designated as a Region shall form a Regional Organization to carry out the functions and responsibilities of Regional Organizations under the Constitution and Bylaws of the Association.
b) Regional Organizations are administrative units of the Association.

Section 4. *Membership in Regional Organizations.*
All Active Members and Direct Affiliates located in the geographical area designated as a Region shall form the constituency of the Regional Organization.

Section 5. *Regional Governing Body.*
Each Regional Organization shall have a regional governing body which shall include a chairman and other appropriate officers. The President of the Association shall appoint a member of the Board of Directors of the Association to be an *ex officio* member for each regional governing body.

Section 6. *Rules and Policies.*
The regional governing body of each Region shall, through the Chairman, administer the business of the Region, be responsible for its programs, progress, activities and shall establish rules, regulations, and charges for the conduct of its meetings, provided that actions of the regional governing body conform to the policies and rules established by the Board of Directors.

Section 7. *Responsibilities of the Regional Organization and Regional Governing Body.*
Responsibilities of the Regional Organization and its governing body shall be to:
a) Hold an annual conference.
b) Submit names of nominees for officers and directors for consideration by the Nominating Committee.
c) Submit Beliefs and Policies and Resolutions for consideration by the appropriate committees.
d) Undertake such other programs that will strengthen the communications and information exchange of state and local activities in addition to other programs appropriate to the purposes of a Region, provided that such activities are not in conflict with the purposes of the Association and conform to the policies and rules established by the Board of Directors.

Section 8. *Regional Bylaws.*
a) The Board of Directors of the Association shall adopt uniform requirements concerning the conduct of affairs of the Regional Organization.
b) Each Regional Organization shall adopt suitable bylaws subject to approval of the Board of Directors of the Association.

Section 9. *Finances.*
Each Regional Organization may establish rules regarding the payment of a registration, admission or other charge for meetings and activities of the Regional Organization, provided that all such rules, charges and policies be in conformance with the policies and rules of the Board of Directors and the amount of such charges be subject to the approval of the Board of Directors of the Association.

Section 10. *Regional Dues.*
Regional Organizations shall not charge dues for membership or issue memberships in a Regional Organization.

Section 11. *Staff Liaison.*
The Executive Director shall assign staff personnel to provide staff liaison with the Region and to assist in the coordination of services between the Association and the state associations and the school boards in the Region.

ARTICLE XVIII—DISTRIBUTION OF ASSETS

The Association shall use its funds only to accomplish the purposes specified in the Constitution and Bylaws, and no part of such funds shall inure, or be distributed to, the members of the Association. On dissolution of the Association, any funds remaining shall be distributed to one or more regularly organized and qualified charitable, educational, scientific or philanthropic organizations to be selected by the Board of Directors.

ARTICLE XIX—AMENDMENTS

Section 1. *Originating Proposed Amendments.*
Proposals for amendments to the Constitution and Bylaws shall be submitted in writing to the Delegate Assembly through the Executive Director, and may be initiated by:
a) The Executive Committee, or
b) The Constitution and Bylaws Committee, or
c) Over the signature of:
i) not fewer than 5 members of the Board of Directors, or
ii) not fewer than 3 Active Members of the Association, or
iii) not fewer than 10 voting delegates of the Delegate Assembly.

Section 2. *Procedure for Consideration.*
Any and all proposals for amendments shall be submitted to the Constitution and Bylaws Committee for its consideration and its recommendation to the Delegate Assembly.
a) If the Constitution and Bylaws Committee recommends modification of a proposal, the sponsoring group shall be so notified by said Committee outlining to them the proposed alterations. Should the sponsoring group find the proposals and alterations unacceptable, the original proposal, together with the Committee's recommendations, shall be submitted to the Delegate Assembly for action.
b) Proposals for amendment or amendments to the Constitution and Bylaws shall be submitted to the Constitution and Bylaws Committee by registered or certified mail and postmarked no later than December 20 prior to the meeting of the Delegate Assembly, except that the Committee may itself at its meeting recommend amendments.

Section 3. *Action on Proposed Amendments.*
a) The Delegate Assembly shall consider all proposals which meet the requirements for amendments to the Constitution and Bylaws.
b) The written notice of the proposed change shall be sent to each delegate at least ten days prior to the meeting at which said amendment shall be considered.

Section 4. *Voting on Proposals.*
The Constitution and Bylaws of the Association may be amended by a two-thirds vote of the Delegate Assembly present and voting.

ARTICLE XX—MISCELLANEOUS

Section 1. *Seal.*
The Board of Directors shall provide a corporate seal in conformance with Illinois law.

Section 2. *Office.*
The executive office of the Association shall be maintained at such address as the Board of Directors may determine. The Association shall maintain a registered office in the state of Illinois, and may have other offices within or without the state of Illinois as the Board of Directors may determine.

Section 3. *Interpretation of Constitution and Bylaws.*
The Board of Directors shall be the final authority on the interpretation of the Constitution and Bylaws.

Section 4. *Waiver of Notice.*
Whenever any notice whatever is required to be given under the provisions of the General Not For Profit Corporation Act of Illinois, or under the provisions of the Articles of Incorporation or the Constitution and Bylaws of the Association, a waiver thereof in writing signed by the person or persons entitled to such notice, whether before or after the time stated therein, shall be deemed equivalent to the giving of such notice.

Section 5. *Previous Constitution and Bylaws Superseded.*
All provisions of the previous Constitution and Bylaws of the National School Boards Association are hereby replaced by the provisions hereof.

Adopted by NSBA Delegate Assembly on April 14, 1970, San Francisco, California.

Amended Article III, Section 3; and Article IX, Sections 2 and 3, on April 18, 1972, San Francisco, California.

Added Article V, Section 3(d), and Article VI, Section 7(c); and amended Article IX, Section 1(b), on April 10, 1973, Anaheim, California.

Amended Article XVII, Section 2, on April 9, 1974, Houston, Texas.

Amended Article V, Sections 8(a) and 9(a), on March 28, 1977, Houston, Texas.

Amended Article IV, Section 1(b); Article VIII, Section 3; Section IX, Sections 1(a) and (b); Article XV, on April 1, 1978, Anaheim, California.

Amended Article IX, Section 2 (on condition of passage of specified resolution by Board of Directors), on April 4, 1978, Anaheim, California.

Amended Article XV, Sections 8(a) and 9(a), and added 10; Article VI, Sections 1, 5, and 6(a); Article IX, Sections 1(b) and 2(a); Article IX, Section 2(b) on April 24, 1979, Miami Beach, Florida.

Amended Article III, Section 2, and added Section 7; Article V, Section 8(a) and (b), Section 10(a); Article VI, Section 3, Section 4(a) and (d), and Section 7(a) and (b); Article VII, Section 3; Article VIII, Section 2(a) and (b), Section 6, Section 7, and Section 8; Article IX, Section 1(d), and Section 2(a); Article XII, Section 2(a) and (c), and Section 4; Article XIV, Section 1 and Section 2; Article XVI, Section 3, on April 19, 1980, San Francisco, California.

Amended Article V, Section 8 and Section 9; Article IX, Section 2, and added new Section 3(c); redesignated 3(c) as 3(d), 3(d) as 3(e), 3(e) as 3(f), on April 13, 1981, Dallas, Texas.

Amended Article V, Sections 3(c) and (d), and Section 5(a), added new Section 5(b), and redesignated Section 5(b) as 5(c), 5(c) as 5(d), 5(d) as 5(e); amended Article VI, Section 2; and Article IX, Section 2(a), on April 19, 1982, Atlanta, Georgia.

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TESTIMONY OF

BARTON D. RUSSELL
EXECUTIVE DIRECTOR

OF THE
NATIONAL ASSOCIATION OF TOWNS AND TOWNSHIPS

BEFORE THE

SUBCOMMITTEE ON INTERGOVERNMENTAL RELATIONS AND HUMAN RESOURCES
OF THE HOUSE COMMITTEE ON GOVERNMENTAL OPERATIONS

ON THE

ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS

APRIL 16, 1982

MR. CHAIRMAN, MEMBERS OF THE SUBCOMMITTEE, MY NAME IS BARTON RUSSELL AND I AM THE EXECUTIVE DIRECTOR OF THE NATIONAL ASSOCIATION OF TOWNS AND TOWNSHIPS. NATaT, AS YOU KNOW, REPRESENTS THE INTERESTS OF LOCAL OFFICIALS FROM OVER 13,000 PREDOMINANTLY SMALL COMMUNITIES ACROSS THE COUNTRY. I WOULD LIKE TO THANK THE CHAIRMAN FOR INVITING NATaT TO SHARE ITS VIEWS WITH THE SUBCOMMITTEE AS IT UNDERTAKES THE CHALLENGING AND IMPORTANT TASK OF EVALUATING THE ADEQUACY OF THE MEMBERSHIP COMPOSITION OF THE ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS.

BEFORE I BEGIN MY TESTIMONY, HOWEVER, PERMIT ME MR. CHAIRMAN TO EXPRESS MY SINCERE REGRETS ON YOUR PENDING RETIREMENT. THE THIRTY YEARS YOU HAVE DEVOTED TO PUBLIC SERVICE, A GOOD NUMBER OF THEM IN A LEADERSHIP CAPACITY WITH THE COMMITTEE ON GOVERNMENT OPERATIONS, WILL NOT BE FORGOTTEN. YOUR WISDOM, COUNSEL AND GOOD NATURE WILL BE SORELY MISSED. ON BEHALF OF THE NATIONAL ASSOCIATION OF TOWNS AND TOWNSHIPS I WANT TO WISH YOU EVERY SUCCESS IN THE FUTURE.

MR. CHAIRMAN, NATaT, AS YOU KNOW, HAS STRONGLY ADVOCATED THE NEED FOR TOWN REPRESENTATION ON THE ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS FOR SOME TIME. THE ABSENCE OF FULL REPRESENTATION FOR THE CITIZENS OF OUR NATION'S TOWNS IS A GLARING OMISSION THAT MUST BE REMEDIED. THE COMMISSION RECOGNIZED AND RESPONDED TO THIS VOID AT ITS LAST MEETING. IN AN UNPRECEDENTED DECISION, THE COMMISSION VOTED TO SUPPORT REPRESENTATION ON ACIR BY TOWN OFFICIALS. IN THIS REGARD, NATaT HAS BEEN AND CONTINUES TO BE A STRONG SUPPORTER OF A BILL INTRODUCED BY REPRESENTATIVE CLARENCE BROWN IN 1981. REPRESENTATIVE BROWN'S

BILL WOULD ADD THREE TOWN OFFICIALS TO THE ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS. NATaT WOULD BE RESPONSIBLE FOR NOMINATING THE REPRESENTATIVES.

TOWNS: AN IMPORTANT INTERGOVERNMENTAL PARTNER

THERE ARE NUMEROUS REASONS WHY TOWN OFFICIALS SHOULD BE AFFORDED THE OPPORTUNITY TO HAVE MEMBERSHIP ON ACIR. AS YOU KNOW NATaT HAS ON A VARIETY OF OCCASIONS ENUMERATED SEVERAL OF THESE REASONS. I WOULD LIKE TO TAKE THIS OPPORTUNITY TO BRIEFLY RECOUNT THE MOST IMPORTANT ONES.

TODAY THE TOWN SYSTEM OF LOCAL GOVERNMENT SERVES 60 MILLION PEOPLE LIVING IN APPROXIMATELY 17,000 COMMUNITIES. WHILE MANY TOWNSHIPS TODAY ARE STILL RURAL OR NONMETROPOLITAN IN NATURE, AS WERE THE ORIGINAL FORMS OF LOCAL GOVERNMENT, MANY TOWNSHIPS ARE DEVELOPING INTO COMMUNITIES WITH DEMOGRAPHIC CHARACTERISTICS SIMILAR TO THOSE OF URBAN AREAS. MOST TOWNS TODAY PROVIDE A VARIETY OF VITAL, GENERAL PURPOSE LOCAL GOVERNMENT SERVICES -- JUST AS COUNTY GOVERNMENTS VARY FROM STATE TO STATE, SO DO TOWNSHIPS.

THE TOWN FORM OF GOVERNMENT, THOUGH THE NATION'S OLDEST, HAS BEEN AFFORDED THE LEAST AMOUNT OF RECOGNITION BY SCHOLARS AND POLICYMAKERS -- BOTH IN WASHINGTON AND IN STATE CAPITOLS. TOWNSHIP OFFICIALS WANT TO KNOW WHAT THEY CAN DO TO STRENGTHEN THE INTERGOVERNMENTAL SYSTEM AND HOW THEY CAN BEST ADDRESS THE PROBLEMS CONFRONTING SMALL COMMUNITIES AND RURAL AMERICA DURING THIS TIME OF GREAT DEMOGRAPHIC, SOCIAL AND

GOVERNMENTAL CHANGE. THERE ARE MANY VIEWS BEING EXPRESSED IN WASHINGTON AND THROUGHOUT THE COUNTRY ABOUT FEDERALISM -- WHAT ROLES DIFFERENT LEVELS OF GOVERNMENT SHOULD PERFORM AND HOW THEY SHOULD INTERACT. ACIR HAS OVER THE PAST TWO DECADES PROVIDED EXCELLENT INFORMATION FOR AN ONGOING DIALOGUE AMONG POLICY MAKERS PARTICIPATING IN URBAN ISSUES. THE TIME HAS COME, HOWEVER, TO EXPAND THE COMMISSION'S HORIZONS TO INCLUDE INCREASINGLY IMPORTANT SMALL COMMUNITY AND RURAL ISSUES.

SMALL TOWNS FACE BIG PROBLEMS

THE 1980 CENSUS OF POPULATION REVEALS THAT RURAL COMMUNITIES ARE EXPERIENCING DRAMATIC POPULATION INCREASES. RESULTS FROM THE RECENTLY HELD NATIONAL RURAL SYMPOSIUM, SPONSORED BY THE U.S. DEPARTMENT OF AGRICULTURE AND THE RURAL GOVERNMENTS COALITION, WHICH INCLUDES NACO, NGA, NATaT AND OTHER GROUPS, SUGGEST THAT AMERICA'S SMALL COMMUNITIES WILL FACE NUMEROUS CHANGES AND PRESSURES IN THE DECADE AHEAD -- ACCOMPANIED BY BOTH OPPORTUNITY AND PROBLEMS. ABSORBING POPULATION INCREASES, MEETING TRANSPORTATION NEEDS, ENSURING ADEQUATE INFRASTRUCTURE, IMPROVING COMMUNICATION, PROVIDING HEALTH SERVICES, AND COPING WITH THE SITING OF HAZARDOUS WASTE ARE BUT A FEW OF THE ISSUES WITH SIGNIFICANT IMPLICATIONS FOR THE NATION'S SMALL COMMUNITIES. LOCAL OFFICIALS SERVING "SMALL TOWN AMERICA," RESPONSIBLE FOR A SIGNIFICANT NUMBER OF PEOPLE AS WELL AS LAND SPACE, NEED AND DESERVE, NOT ONLY THE OPPORTUNITY TO MAKE THEIR VIEWS KNOWN, BUT OCCASION TO HAVE THEIR PROBLEMS ADDRESSED BY EXPERTS SUCH AS ARE ASSOCIATED WITH ACIR. SMALL TOWN REPRESENTATIVES NEED TO BE PART OF ANY DIALOGUE ADDRESSING INTERGOVERNMENTAL ISSUES FOR A WORKABLE SOLUTION TO BE REACHED.

WE DO NOT SEEK TO MINIMIZE THE VALUABLE CONTRIBUTIONS OF OTHER PUBLIC INTEREST GROUPS WHICH REPRESENT LARGER, URBANIZED COMMUNITIES ON THE COMMISSION. WE DO SAY, HOWEVER, THAT SMALL COMMUNITIES HAVE NOT BEEN REPRESENTED CONSISTENTLY.

ACIR WAS "CREATED BY THE CONGRESS TO MONITOR THE OPERATION OF THE AMERICAN FEDERAL SYSTEM AND TO RECOMMEND IMPROVEMENTS." HOWEVER, IT IS ANOMOLOUS TO BE IN THE BUSINESS OF STRENGTHENING THE FEDERAL SYSTEM ON THE ONE HAND, AND TO EXCLUDE FROM THE PROCESS, DE FACTO, REPRESENTATION BY THOUSANDS OF UNITS OF LOCAL GOVERNMENTS. THROUGHOUT THE COUNTRY THESE UNITS OF GOVERNMENT ARE AT THE FOREFRONT OF PROBLEMS, PROVIDING PUBLIC SAFETY, PUBLIC WORKS AND MANY CRITICAL SERVICES. THEY ARE DELIVERING THESE NECESSARY SERVICES TO A CITIZENRY WHICH CONSTITUTES A MAJORITY OF AMERICA'S POPULATION. IT IS NEITHER FAIR NOR PRUDENT TO TREAT THEM INCIDENTALLY IN THE POLICY DEVELOPMENT PROCESS AS ACIR HAS DONE.

WITH WELL OVER HALF OF ALL AMERICANS LIVING IN SMALLER COMMUNITIES, THOSE UNDER 50,000 IN POPULATION, ACIR RESEARCH AND POLICY DELIBERATIONS SHOULD MORE FREQUENTLY CONSIDER THE INTERESTS OF SUCH JURISDICTIONS. SMALL TOWN REPRESENTATION ON ACIR WOULD PROVIDE A FIRST STEP IN THE RIGHT DIRECTION. THE APPOINTMENT OF NATaT REPRESENTATIVES TO ACIR WOULD ENSURE THAT SMALL COMMUNITY VIEWS ARE HEARD CONSISTENTLY AT THE NATIONAL LEVEL.

MR. CHAIRMAN, I WOULD LIKE TO POINT OUT A SIGNIFICANT RECOMMENDATION MADE IN THE 1955 KESTNBAUM REPORT (THE COMMISSION WHICH PRECEDED THE

CREATION OF ACIR), THE WISDOM OF WHICH IS AS SOUND TODAY AS IT WAS 26 YEARS AGO. I QUOTE: "(THE COMMISSION URGES USING) THE LEVEL OF GOVERNMENT CLOSEST TO THE COMMUNITY FOR ALL PUBLIC FUNCTIONS IT CAN HANDLE. . ." YOU, MR. CHAIRMAN, ARE PERHAPS MORE AWARE OF THIS THAN ANYONE PRESENT HERE TODAY, HAVING COME FROM A SMALL TOWN AND SPOKEN SO FAVORABLY AS YOU HAVE ABOUT THE NATURE OF SMALL TOWN GOVERNANCE. LOCAL OFFICIALS, WHETHER FROM A COMMUNITY OF 2,500 OR 25,000, OR MORE, LIVE AND WORK WITH THE PEOPLE THEY SERVE -- THEY ARE KNOWN BY NAME AND CAN BE REACHED DAY OR NIGHT; THEY ARE AWARE OF THEIR TOWN'S NEEDS, PRIORITIES, AND SOME OF THE LESS DEFINABLE ELEMENTS THAT CHARACTERIZE OUR COMMUNITIES AND WHICH VARY FROM TOWN TO TOWN, REGION TO REGION, AND STATE TO STATE. WITH TOWN REPRESENTATION ON ACIR, THE EXPERIENCE AND WISDOM OF LOCAL OFFICIALS TO GOVERN UNDER THESE CIRCUMSTANCES COULD BE ENSURED ON AN ONGOING BASIS.

CONCLUSION

MR. CHAIRMAN, WE WOULD LIKE TO STRESS IN CONCLUSION THE NEED FOR PEOPLE FROM ALL TYPES AND SIZES OF COMMUNITIES TO BE FAIRLY REPRESENTED IN THE NATIONAL POLICY-MAKING PROCESS. THE CONCERNS AND PROBLEMS OF THE CITIZENS OF THOUSANDS OF TOWNS THROUGHOUT THE COUNTRY WHOSE ELECTED OFFICIALS' VIEWS HAVE NOT BEEN HEARD ON ACIR HAS CREATED A SITUATION WHERE EVERYONE LOSES. IN REFERENCE TO THIS SITUATION, RURAL SPECIALIST J. C. DOHERTY* TERMS TOWN GOVERNMENTS AS THE "ODD MEN OUT" IN HIS PAPER, "THE SMALL TOWN CRISIS AND THE WASHINGTON CONNECTION," AS FOLLOWS:

OBVIOUSLY, SO LONG AS THIS SITUATION EXISTS, THE 'ODD MEN OUT' OF THE U.S. GOVERNMENT SYSTEM WILL CONTINUE TO BE GENERALLY IGNORED AND MISUNDERSTOOD IN STATE CAPITALS AND BY THE WASHINGTON ESTABLISHMENT. CONTINUED FAILURE TO CONSIDER THE IMPACT OF THE CHANGES TAKING PLACE IN THE NATION'S SMALLER COMMUNITIES, AND THE RESULTANT PROBLEMS, MAY VERY WELL HAVE A PERMANENT ADVERSE EFFECT ON THE AMERICAN LANDSCAPE.

WITH THIS COMPELLING THOUGHT IN MIND, AND GIVEN THAT THE ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS HAS FORMALLY RECOGNIZED THE IMPORTANCE OF TOWN GOVERNMENT TO OUR INTERGOVERNMENTAL SYSTEM BY RECOMMENDING THAT TOWNS BE REPRESENTED ON ACIR, WE SINCERELY HOPE THAT THE SUBCOMMITTEE WILL ENDORSE THE ACIR RECOMMENDATION AND MOVE TO ENACT REPRESENTATIVE CLARENCE BROWN'S BILL INTO LAW WITHOUT FURTHER DELAY.

MR. CHAIRMAN, MEMBERS OF THE SUBCOMMITTEE, ON BEHALF OF THE BOARD OF DIRECTORS OF THE NATIONAL ASSOCIATION OF TOWNS AND TOWNSHIPS AND ITS MEMBERS, I WOULD LIKE TO THANK YOU FOR AFFORDING NATaT THE OPPORTUNITY TO SPEAK TO SOME VERY IMPORTANT INTERGOVERNMENTAL POLICY ISSUES, AS THEY PERTAIN TO ACIR AND THE TOWN SYSTEM OF GOVERNMENT. I ALSO WANT TO AGAIN WISH YOU CONTINUED SUCCESS AND GOOD FORTUNE IN ALL OF YOUR FUTURE ENDEAVORS.

THE WHITE HOUSE

WASHINGTON

August 10, 1982

Dear Dave:

As a member of the Advisory Commission on Intergovernmental Relations, I would like to express strong support on behalf of the Administration for S.2679 which would add three members to the Commission to represent town and townships.

In your deliberations, I would suggest that you give consideration to the uniqueness of towns and townships. In my opinion, exclusion of towns and townships -- one of the fastest growing facets of our system -- distracts from the effectiveness and fairness of the Commission.

You should be aware that I have written to Congressman L.H. Fountain asking for his support. As noted in a recent statement by our fellow Commission member, Congressman Clarence J. Brown: "Over sixty million people live in townships, and over half of our country's population reside in communities under 50,000....Yet, no local officials, city or county, presently serving on ACIR represent an area of under 50,000 population."

If it is the intent of Congress that all general purpose governments be represented on the Commission, then exclusion of towns and townships is contrary to that intention.

The Administration would like to be on record as favoring the inclusion of towns and townships, and for nominations to be provided by the National Association of Towns and Townships.

I thank the subcommittee for its consideration of this position.

Cordially,

Richard S. Williamson
Assistant to the President
For Intergovernmental Affairs

The Honorable David Durenberger
United States Senate
Washington, D.C. 20510

July 28, 1982

The Honorable David Durenberger
United States Senate
353 Russell Senate Office Building
Washington, D.C. 20510

Dear Senator Durenberger:

Thank you for the opportunity to testify before your subcommittee on the need to expand the membership of ACIR to include town representatives. The issue has been and continues to be extremely important to our membership. We were pleased to hear that Bob Hawkins, a member of our advisory council, has been appointed the new chairman of ACIR. While town representation on ACIR would ensure once and for all that small community problems are heard regularly at the national level, it is somewhat reassuring in the meantime to know that Chairman Hawkins shares a number of our concerns.

During my testimony, you requested a copy of all of NATaT's policy positions adopted over the past year. To avoid the need for your staff to review many lengthy position papers, I have taken the opportunity to briefly summarize NATaT's formal position on a number of intergovernmental issues. The intent of the attached list is not to cover all of our policies but, rather, to provide a representative sample of the type of issues on which NATaT has developed policy. Please feel free to call Barton Russell, the Executive Director of our Washington staff, if you have any further questions.

Thank you again for the opportunity to share our views. Your consideration of our position is appreciated.

Cordially,

Wallace F. Gustafson

Wallace F. Gustafson
for the NATaT Board of Directors

WFG/lg

Highlights of the National Association of Towns and Township's Official Policies, 1981-82

A-95

Prior to the issuance of Executive Order 12372, representatives of the National Association of Towns and Townships participated in a series of Administration sponsored meetings to review the existing A-95 process. With this Administration's policies to date returning numerous responsibilities back to state and local governments, NATaT has supported all efforts to improve local input into state decision-making processes. Consequently, NATaT's position on A-95 is that (1) states or federal agencies be required to consult with town governments and other local governments; and (2) the federal government establish procedures for an adequate A-95 process in the event a state decides not to establish review and consultation procedures. Our concern is that states will not continue planning functions as financial resources become more scarce, thereby eliminating a potentially important vehicle by which town governments could make their views known.

Budget FY '83

In a May 26, 1982 letter addressed to staff of the Senate Appropriations Committee, the National Association of Towns and Townships joined other members of the Rural Governments Coalition (NADO, NACO, and NARC) to voice our concern over the proposed cuts in rural programs for FY '83. The NATaT Board of Directors supports funding not less than the FY '82 appropriated levels for the following programs: Economic Development Administration; Appalachian Regional Commission; Farmers Home Administration programs, including waste and water grants; Community Development Block Grants; and Urban Development Action Grants.

General Revenue Sharing

By far the most important federal program to towns is General Revenue Sharing (GRS). Revenue Sharing is an entitlement program, which means no application is necessary to receive funds. To be eligible for the program, a government must qualify as a unit of general government under a definition prescribed by the Census Bureau. Special districts are not eligible. Allocations are determined under a mathematical formula prescribed by the Revenue Sharing Law. Eligible governments then return a simple form certifying funds are spent in accordance with the law.

The above factors contribute to making the GRS program an ideal program for small towns. The design of the program entitles

town governments without the capacity to prepare complicated grant applications to receive funds. Under the GRS program, towns receive funds without having to compete against larger, more sophisticated units of government--a battle towns would lose, sooner or later.

For the above reasons and more, the National Association of Towns and Townships places the renewal of GRS in its current form at the top of the NATaT policy agenda. NATaT members strongly supported reauthorization of the program in 1980 and will do so again in 1983.

Hazardous Substances

The need to transport and deposit hazardous materials somewhere is an ever growing problem. Many different categories of hazardous substances abound in policymaking circles, ranging from high level radioactive materials to gasoline. The bottom line, however, is that hazardous materials need to be transported daily, and where wastes exist, a place must be found to put them.

A large number of the towns represented by NATaT are located in less populated areas--a fact which increases the likelihood that town land will be selected as a possible site for the dumping of hazardous wastes. Towns officials, like other local officials, are also responsible for initially responding to emergencies such as accidents involving hazardous materials.

This combination of factors has resulted in several NATaT policies on the issue of hazardous substances. First, NATaT supports regulatory schemes which minimize the risk to local citizens. Second, NATaT advocates the development of an effective enforcement system which recognizes local initiative and responsibility and counteracts random federal, state, and industry actions. Third, NATaT has opposed any cuts in the Department of Transportation's (DOT) Research and Special Programs Administration, in particular the Materials Transportation Bureau. Budget cuts in these DOT programs would eliminate the already insufficient emergency response training programs for local officials.

New Federalism

The most important part of the President's New Federalism initiative for towns is the proposal to include the General Revenue Sharing (GRS) and Community Development Block Grant Program (CDBG) in the trust fund. NATaT representatives have participated extensively in the Administration's meetings with local officials to ensure that our concerns are addressed.

The formal NATaT policy position on New Federalism is out of necessity lengthy, given the all encompassing and complex nature of

the President's New Federalism proposal. In summary, NATaT generally supports the concept of New Federalism, but has repeatedly expressed reservations about the treatment of the GRS and CDBG programs. NATaT has stated its conditional support of New Federalism if certain provisions are adopted, including the continued administration of GRS in exactly its present form and indepth consultation with local governments at the state level, including a process to resolve funding disputes and competitive procedures for awarding funds.

Regulatory Reform

Towns are often confronted with unnecessary regulations and paperwork as recipients of federal funds. The need to comply with federal regulations that are simply not applicable to the town or rural environment is a continual source of annoyance to town officials. Consequently, the National Association of Towns and Townships has developed policy in support of:

(1) efforts to decrease federal regulation which is unnecessarily burdensome on towns;

(2) efforts to prevent the increase of federal regulation where such regulation has not existed in the past; and

(3) initiatives to improve on the federal system of regulation, such as paperwork reduction and grant reform efforts.

In 1981-82, NATaT's regulatory reform policy has resulted in, among others, the following positions:

(1) opposition to the Public Employee Pension Plan Reform Act (PEPPRA), H.R. 4928, and the Public Employee Retirement Income Security Act (PERISA), S. 2105;

(2) opposition to Section 24A of the Federal Insecticide, Fungicide, and Rodenticide Act., H.R. 5203; and

(3) support of the Regulatory Reform Act, S. 1080 and H.R. 746, particularly Section 553.

In addition to the above areas, the National Association of Towns and Townships has developed policy in the following areas:

(1) Economic Development/Community Planning

(2) Block Grants

(3) Civil Defense/Emergy Response

(4) National Rural Policy

(5) Housing Rehabilitation

(6) Enterprise Zones

(7) Industrial Revenue Bonds

(8) Cable TV/Communications

(9) Local Government Liability

(10) NOW Accounts/Finance

(11) Federal Payment In Lieu of Taxes

(12) Mine Safety and Health

(13) Safe Drinking Water

(14) Agricultural Land Preservation

(15) Transportation

(16) Social Security

(17) Fire Protection